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Wendell Davis

presented by the Legislature of  
Massachusetts in Jan'y Session 1846



144.3-47

PRIVATE AND SPECIAL  
**Statutes**  
OF THE  
COMMONWEALTH  
OF  
MASSACHUSETTS,

FROM THE YEAR 1780,

TO THE

CLOSE of the Session of the General Court,

BEGUN AND HELD ON

THE LAST WEDNESDAY IN MAY, *A. D.* 1805.

WITH

AN APPENDIX,

CONTAINING

*SUCH STATUTES, OF THE ABOVE DESCRIPTION, PASSED BEFORE  
THE YEAR 1780, AS ARE REFERRED TO IN ACTS PASSED  
SINCE, AND INCLUDING THE TEMPORARY ACTS,  
MADE PERPETUAL, MARCH 7, 1797.*

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IN THREE VOLUMES.

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VOL. I.

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Boston :

PRINTED FOR THE STATE, BY MANNING & LORING.

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1805.

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, October 5, 1805.

THIS certifies that I have carefully compared the copies of the Laws of the Commonwealth of Massachusetts, as printed in this Edition, with the originals deposited in this Office, and find them to be correct.

JOHN AVERY, *Secretary*.



## COMMONWEALTH OF MASSACHUSETTS.

*RESOLVED*, That the Hon. PELEG COFFIN\* and JOHN DAVIS, Esquires, be, and they are hereby appointed and authorized, in behalf of this Commonwealth, to contract for the printing of a new edition of such of the private and special Acts of this Commonwealth, passed or to be passed previous to the end of the present session, as they shall judge necessary and convenient; and to be selected by them for publication; together with the titles and dates of all such private and special Acts as they shall judge unnecessary to be printed entire, and to form and annex to each volume a complete Index to the whole, and also such marginal references as said Committee may approve; the publication thereof they are also directed to superintend. The volume or volumes to be of the same size of the octavo volumes of the Laws of this Commonwealth, lately published, and to be on good paper.

*And it is further resolved*, That the Committee aforesaid are hereby authorized to agree with the person or persons who may undertake to print the Laws aforesaid for one thousand volumes or sets of said edition, for the use of this Commonwealth, for such price as shall appear reasonable to said Committee, which volumes, when completed, to be disposed of as the Legislature shall hereafter direct.

IN SENATE, *February 8, 1803.*

READ and accepted.

*Sent down for concurrence.*

DAVID COBB, *President.*

IN THE HOUSE OF REPRESENTATIVES, *February 9, 1803.*

READ and concurred.

JOHN C. JONES, *Speaker.*

FEBRUARY 9, 1803. }  
APPROVED. }

*Caleb Strong.*

A true copy.—*Attest,*

JOHN AVERY, *Secretary.*

\* The Hon. Mr. COFFIN died while this work was in progress. A great portion of his useful life had been devoted to public duties, which he discharged with uniform alacrity, fidelity and intelligence.

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## Preface.

IN determining on the Laws to be inserted in this collection, the Committee had reference to the edition of *General Laws*, published in the year 1801. Acts which were viewed, by the editors of that work, as not comprehended within their commission, and on that account omitted, have been considered as *Private and Special Acts*, within the meaning of the resolve, directing the publication of these volumes.

The arrangement is in order of time, commencing with the first session of the General Court after the establishment of the Constitution, and ending at the close of the last session. This extension of the publication, beyond the period originally directed, has been authorized by a subsequent resolve.

Those Acts passed before the year 1780, which it was thought proper to admit, will be found in the Appendix.

In this edition, as in that of the General Laws, many Acts are omitted, as being unnecessary to be re-published. The titles and dates of all Private and Special Acts omitted, will be found in the subjoined list. In several instances the notes annexed will suggest the reasons for the omission, and when no such intimation is given, it will appear that such Acts were applicable merely to some occasional purposes, and having had their operation, it was judged unnecessary to insert them.

*Five Acts* which were published with the General Laws, are repeated in this edition. In a note annexed to one of them, the "Act to make perpetual fundry temporary Laws," the reason for its re-publication is suggested. The remaining four were included on account of their relation or resemblance to other Acts inserted, and because it was supposed that they would be expected to be found in this collection.

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The marginal references cannot be uniformly relied on as indicating all the additional Acts. In some instances, such additional Acts were passed after marginal notes, annexed to the original Acts, had been committed to the press. Any embarrassment or uncertainty, from this source, will be avoided by a recurrence to the Index, which has been carefully prepared, and in which is noticed the subject matter of every Act contained in the edition.

BOSTON,  
OCTOBER 5, 1805. }



# LIST OF PRIVATE AND SPECIAL ACTS

OMITTED IN THIS EDITION.

- A**N ACT to enable the Proprietors of the Great Bridge over *York River*, in the first Parish in said Town, to take Toll for the Repair and Amendments thereof. 1781.  
Feb. 12.  
[Temporary. Expired.]
- An ACT for the better Government and Regulation of the Ferry between *Boston* and *Charlestown*; and for repealing the Laws heretofore made for that Purpose. May 16.  
[Superfeded by erection of Charles River Bridge.]
- An ACT for continuing a Company or Troop of Horse, in the Third Regiment of Foot in the County of *Essex*. June 28.  
[Embraced by subsequent Militia Laws.]
- An ACT to enable the Inhabitants and Proprietors of the Plantation called *Asbuclet Equivalent*, in the County of *Berkshire*, to tax themselves for past and future Taxes that have been or may be laid upon them by the General Court of this Commonwealth. Nov. 2.
- An ACT for granting a Lottery for erecting a Bridge over *Chekebee River*, on the Road leading from *Springfield*, to *Hadley*, in the County of *Hampshire*. 1782.  
March 6.
- An ACT to incorporate the Committee of the Congregational Church and Society in the Town of *New-Salem*, for certain Purposes. May 3.  
[Repealed March 18, 1788]
- An ACT for raising by Lottery the Sum of *Twelve Hundred Pounds*, for the Purpose of building a Paper-Mill, and promoting the Manufactory of Paper in *Milton*. May 7.
- An ACT to remove the Obstructions, and open Passage-Ways for the Fish called Alewives, Shad, and other Fish, up *Neponset-River*. July 3.  
[Repealed March 11, 1791]
- An ACT for granting a Lottery for repairing the Bridge over the River Parker, in the County of *Essex*. Oct. 2.
- An ACT for granting a Lottery for repairing and supporting a Bridge over *Agawam River*, so called, in *West-Springfield*. Nov. 1.

1783.  
Feb. 10. An ACT to remove certain Actions now pending in the Supreme Judicial Court in the County of *Hampshire*, to the Supreme Judicial Court in the County of *Berkshire*, and to enable *Peter A. Fonda* to re-enter a certain Action in the Court of Common Pleas in the said County of *Berkshire*.
- Feb. 15. An ACT for granting a Lottery for re-building and making good the public Bridges and Causeways in the Town of *Lancaster*.
- Feb. 26. An ACT for granting a Lottery for re-building the North Mills in the Town of *Boston*, which were lately consumed by Fire.
- March 1. An ACT for raising by Lottery the Sum of *Three Thousand Pounds*, for the Purpose of building a Glass House, and promoting the Manufacture of crown and other Glass, in *Boston*.
- March 20. An ACT for preventing the unnecessary Destruction of Shad, Alewives, and other Fish, in *Calhance* and *Abagadeffet* Rivers, in the Town of *Bowdoinham*.  
[Temporary. Made perpetual, March 7, 1797. Repealed, March 1, 1798.]
- June 16. An ACT for granting a Lottery for the re-building and repairing the public Bridges, and repairing the Highway in the Town of *Winchendon*, which lead to *Charlestown*, in the State of *New-Hampshire*.
- June 18. An ACT for granting a Lottery for the Purpose of re-building a Bridge across *Westfield-River*, in the town of *Westfield*, nigh to a Place called *Weller's-Mills*.
- June 23. An ACT in Addition to the several Acts of this Commonwealth already made, for the Preservation of the Fish called Alewives, and for the better regulating the River called *Wewewantett-River*, in the County of *Plymouth*.  
[Repealed March 1, 1798.]
- Oct. 24. An ACT to regulate the catching of Salmon, Shad and Alewives, and to remove and prevent Obstructions in *Merri-mack-River*, and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose.  
[Repealed March 4, 1790.]
1784.  
Feb. 18. An ACT for regulating the Market in *Boston*.  
[Repealed Feb. 11, 1785.]
- March 3. An ACT for reviving one Law now expired, and continuing the same, and another Law near expiring.  
[The Acts referred to are "An Act to prevent unnecessary Law Suits," and "An Act to prevent the destruction of Salmon and other fish in Agawam or Westfield River," passed in 1779. The last Act only comes within the plan of this Edition. It was continued to Nov. 1, 1785, and a perpetual law on the subject passed June 27, 1786.]

- An ACT in Addition to an Act, entitled, "An Act to incorporate *Jonathan Gardner*, jun. and others, therein named, into a Society by the name of *The Marine Society at Salem*, in the County of *Essex*, in the Province of the *Massachusetts Bay*, in *New-England*." 1784.  
March 9.  
[Repealed July 8, 1790.]
- An ACT for incorporating a Number of the Inhabitants of the first Parish in *Mendon*, in the County of *Worcester*, into a Society by the Name of *The First Congregational Society in Mendon*. March 16.  
[Repealed June 28, 1792.]
- An ACT for the appointing and empowering Commissioners, on the Part of this Commonwealth, in Conjunction with such as are or may be appointed by the State of *New-York*, to ascertain the Boundary Line between the Commonwealth and State aforesaid, eastward of *Hudson's-River*. March 18.  
[Repealed June 4, 1784.]
- An ACT in Addition to, and for repealing certain Parts of an Act, made and passed the third day of *July*, A. D. one thousand seven hundred and eighty-two, entitled, "An Act to remove the Obstructions and open Passage-Ways for the Fish called Alewives, Shad, and other Fish, up *Neponset-River*, and for making more effectual Provision for the passing of the said Fish." March 19.  
[Repealed March 11, 1791.]
- An ACT for granting a Lottery for the Purpose of widening and repairing the Great-Bridge over *Charles-River*, in the Town of *Watertown*. June 22.
- An ACT granting to *Simon Willard*, the exclusive Privilege of making and vending Clock-Jacks for five Years. July 2.  
[Expired.]
- An ACT to incorporate the Church and Congregation in the District of *Orange*, in the County of *Hampshire*, whereof the Reverend Mr. *Emerson Foster* is the present Minister, into a Society, by the Name of *The Congregational Society in Orange*. July 5.  
[Repealed March 11, 1791.]
- An ACT for incorporating the Congregational Church in the Town of *Charlton*, with certain other Inhabitants of the said Town, into a distinct Parish. Oct. 26.  
[Repealed March 3, 1798.]
- An ACT for repealing one Act of this Commonwealth, made and passed in the Year of our Lord, one thousand seven hundred and eighty-four, entitled, "An Act for regulating the Market in *Byston*." 1785.  
Feb. 11.
- An ACT for opening Sluice-Ways in the Mill-Dam or Dams which have or may be erected on *Prejunsicut River*, in the County March 14.

1785. County of *Cumberland*, and upon any Stream or Streams which fall into the same River.  
[Repealed July 7, 1786.]
- March 16. An ACT in Addition to, and for repealing certain Parts of an Act, entitled, "An Act in Addition to, and for repealing certain Parts of an Act, made and passed the third day of *July*, Anno Domini one thousand seven hundred and eighty-two, entitled, "An Act to remove the Obstructions and open Passage-Ways for the Fish called Alewives, Shad, and other Fish, up *Neposet River*;" and for making more effectual Provision for the Passage of the said Fish.  
[Repealed March 11, 1791.]
- June 14. An ACT for granting a Lottery for the repairing of *Leicester* Academy, and making additional Buildings thereto.
- June 30. An ACT in Addition to, and for repealing certain Parts of an Act passed in the Year of our Lord one thousand seven hundred and eighty-three, entitled, "An Act to regulate the catching Salmon, Shad and Alewives, and to remove and prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose."  
[Repealed March 4, 1790.]
- Nov. 2. An ACT to prevent the Destruction of the Fish called Alewives, in their Passage up the Rivers and Streams in the Town of *Kingston*, in the County of *Plymouth*.  
[Repealed March 3, 1802.]
- Nov. 29. An ACT for establishing a Toll for the Purposes of repairing and maintaining the Great Bridge over the River *Parker*, in the Town of *Newbury*, and County of *Essex*.  
[Expired. Another Act relative to said Bridge, Feb. 13, 1798.]
1786. An ACT for raising and forming a Regiment of Cavalry in  
Feb. 17. the County of *Worcester*.  
[See subsequent Militia Laws.]
- March 6. An ACT for adjourning *Northampton* Court, and to authorize any two of the Justices of the Supreme Judicial Court to do and perform the Business of the said Court, in the Counties of *Plymouth* and *Barnstable* respectively, at the next Session of the said Court in the said Counties, in the Month of *May*, one thousand seven hundred and eighty-six.
- March 14. An ACT giving to *Paul Revere* and *John Noyes* the exclusive Privilege of erecting a Steam Engine for manufacturing Iron.  
[Temporary. Expired.]
- June 13. An ACT in Addition to an Act, entitled, "An Act to prevent Incumbrances about the Doors of the Court-House in *Boston*."  
An



- An ACT to prevent the Destruction of the Fish called Shad and Alewives, in their Passage up the Rivers and Streams in the Town of *Rehoboth*, in the County of *Bristol*. 1786.  
June 27.  
[Repealed March 6, 1804.]
- An ACT to prevent the Destruction, and to regulate the Catching of the Fish called Salmon, Shad and Alewives in *Kennebec-River*, and several other Rivers and Streams in the Counties of *Cumberland* and *Lincoln*. July 7.  
[Repealed March 1, 1798.]
- An ACT in Addition to an Act, entitled, "An Act for incorporating the Congregational Church in the Town of *Charlton*, with certain other Inhabitants of the said Town, into a distinct Parish. July 8.  
[Repealed March 3, 1798.]
- An ACT in Addition to an Act, entitled, "An Act in Addition to an Act passed in the Year of our Lord one thousand seven hundred and seventy-three," entitled, "An Act to prevent the Destruction of Alewives and other Fish in *Ipswich River*, and to encourage the Increase of the same." 1787.  
March 2.  
[Repealed March 28, 1788.]
- An ACT granting certain Privileges to the Proprietors of the Slitting-Mill in the Town of *Taunton*, in the County of *Bristol*. March 2.  
[Limited to one year. Revived till further order of Court March 21, 1783. Repealed by Act relative to alewife fishery in Mill River, passed March 2, 1798.]
- An ACT repealing an Act passed in the Year of our Lord One thousand seven hundred and eighty-three, entitled, "An Act for raising by Lottery the Sum of *Three Thousand Pounds*, for the Purpose of building a Glass-House, and promoting the Manufacture of Crown and other Glass, in *Boston*;" and for the Purpose of promoting the Manufacture of Crown and other Glass within this Commonwealth. July 6.
- An ACT granting Liberty for taking the Fish called Menhaden in *Neposet River*, with Seines. 1788.  
March 10.  
[Repealed March 11, 1791.]
- An ACT empowering the Town of *Weymouth* to regulate and order the taking and disposing of the Fish called Shad and Alewives, within the Limits of that Town. March 10.  
[Repealed March 7, 1801.]
- An ACT to revive an Act, entitled, "An Act granting certain Privileges to the Proprietors of the Slitting-Mill in the Town of *Taunton*, in the County of *Bristol*." March 21.  
[Repealed. See Act of March 2, 1787, above.]
- An ACT in Addition to an Act, entitled, "An Act in Addition to an Act passed in the Year of our Lord one thousand seven hundred and eighty-three, entitled, "An Act to regulate the Catching of Salmon, Shad and Alewives, and

1788. and to remove and prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same within this Commonwealth, and for repealing several Acts heretofore made for that Purpose."  
[Repealed March 4, 179 ]
- March 29. An ACT repealing a certain Paragraph of an Act passed in the Year of our Lord One thousand seven hundred and eighty-three, entitled, "An Act in addition to the several Acts of this Commonwealth already made for the Preservation of the Fish called Alewives, and for the better regulating the River called *Wewaswantett*, in the County of *Plymouth*, and for making an Addition to the said Act."  
[Repealed March 1, 1798 ]
- June 9. An ACT in Addition to an Act, entitled, "An Act to prevent the Destruction of the Fish called Shad and Alewives, in their Passage up the Rivers and Streams in the Town of *Rehoboth*, in the County of *Bristol*."  
[Repealed March 6, 1804.]
- June 20. An ACT to prevent the Destruction of Salmon and Shad in *Connecticut River*.  
[Repealed March 10, 1797.]
1789.  
Jan. 20. An ACT in Addition to an Act, entitled, "An Act repealing an Act passed in the Year of our Lord one thousand seven hundred and eighty-three, entitled, "An Act for raising by Lottery the Sum of *Three Thousand Pounds*, for the Purpose of building a Glass-House, and promoting the Manufacture of Crown and other Glass, in *Boston*;" and for the Purpose of promoting the Manufacture of Crown and other Glass within this Commonwealth."
- Feb. 10. An ACT to enable the Town of *Watertown* to regulate and order the taking of the Fish called Shad and Alewives, within the Limits of the said Town.  
[Expired. A perpetual Law relative to said fish, and extending to Watertown, Weston, and Waltham, passed March 2, 1798.]
- Feb. 13. An ACT in Addition to, and in Explanation of an Act passed the twenty-third Day of *June*, in the Year of our Lord one thousand seven hundred and eighty-three, entitled, "An Act for the Preservation of the Fish called Alewives, in *Wewaswantett-River*, in the County of *Plymouth*;" and for repealing an Act in Addition to said Act, which passed the twenty-ninth day of *March*, in the Year of our Lord one thousand seven hundred and eighty-eight.  
[Repealed March 1, 1798.]
1790.  
Feb. 2. An ACT in Addition to an Act, entitled, "An Act to prevent the Destruction, and to regulate the Catching of the Fish called Salmon, Shad and Alewives, in the Rivers and Streams in the Counties of *Cumberland* and *Lincoln*, and to repeal all Laws heretofore made for that Purpose."  
[Repealed March 1, 1798.] An

- An ACT to prevent the Destruction of the Fish called Alewives in *Taunton Great River*, (so called) in the County of *Bristol*, and to regulate the Catching of said Fish therein for the future. 1790.  
Feb. 22.  
[Repealed March 19, 1793.]
- An ACT granting a Lottery for the Purpose of securing and fortifying the Beach on the southwesterly Side of the Harbour of *Marblehead*, and appointing Trustees to apply the Proceeds. March 4.
- An ACT to prevent the Destruction of Oysters in the several Places therein mentioned. June 17.  
[Repealed Feb. 26, 1796.]
- An ACT to prevent Damage being done to the Beach and Meadows on the south Side of the Town of *Fidgerton*, in the County of *Dukes County*, and to the Creeks adjoining thereto, by Cattle, Sheep and Horses passing over the same; and for preserving the Fish in the said Creeks. 1791.  
March 7.  
[Repealed February 11, 1794.]
- An ACT for regulating the Alewife Fishery in the Town of *Bridgewater*, in the County of *Plymouth*, and for repealing all Laws heretofore made for that Purpose. March 9.  
[Repealed February 10, 1797.]
- An ACT for regulating the Taking of Shad, Alewives and other Fish in their Passage through *Nepónset River*, and the several Streams to the Ponds called *Punkapog* and *Maffapog*. March 11.  
[Repealed March 10, 1797.]
- An ACT for incorporating *Jonathan Davis* and others, for the Purpose of building a Bridge across *New-Meadow River*. 1793.  
March 9.  
[No use has been made of this Act. Another Company was incorporated for the same purpose, Feb. 16, 1802. See Vol II 476.]
- An ACT for establishing an Academy in the Town of *Plymouth*, by the Name of *The Plymouth Academy*. March 19.  
[This Academy was intended for the county of Plymouth, but a preference was afterwards given to Bridgewater, as a more suitable situation for the purpose; and the usual grant of land, expected from the government when this Act was obtained, was made to Bridgewater Academy, incorporated Feb. 26, 1799. This Act, therefore, has never been carried into operation.]
- An ACT in Addition to an Act, entitled, "An Act for incorporating *Jonathan Davis* and others, for the Purpose of building a Bridge over *New-Meadow River*." June 21.  
[See note above, annexed to the title of the original Act, March 9, 1793.]
- An ACT to revive and continue an Act, entitled, "An Act to prevent the Destruction of Oysters in the several Places therein mentioned." June 22.  
[Repealed Feb. 26, 1796.]
- An ACT in Addition to an Act, entitled, "An Act to prevent the Destruction and to regulate the catching of the Fish called Salmon, Shad and Alewives, in the Rivers and Streams 1794.  
Feb. 24.

1794. Streams in the Counties of *Cumberland* and *Lincoln*, and to repeal all Laws heretofore made for that Purpose."  
[Repealed March 1, 1798.]
- June 14. An ACT for raising the Sum of *Eight Thousand Pounds* for the Purpose of erecting a Building for the Use of the University at *Cambridge*.
1795. Feb. 11. An ACT incorporating certain Persons for erecting a Bridge over *Damarascotti River*, in the County of *Lincoln*.  
[Repealed March 10, 1797.]
- Feb. 24. An ACT more effectually to prevent the Destruction of Shad and Alewives in the Rivers and Streams within the Towns of *Lynn*, *Reading* and *Lynnfield*.  
[Repealed March 3, 1802.]
- June 23. An ACT in Addition to an Act, entitled, "An Act more effectually to prevent the Destruction of the Fish called Shad and Alewives, in the Rivers and Streams within the Towns of *Lynn*, *Reading*, and *Lynnfield*," passed *February* twenty-fourth, in the Year of our Lord one thousand seven hundred and ninety-five.  
[Repealed March 3, 1802.]
1796. Jan. 26. An ACT for granting a Lottery for the Purpose of altering, making, and repairing certain Roads in the Town of *Gloucester*, in the County of *Essex*.
- Feb. 13. An ACT in Addition to an Act incorporating certain Persons for erecting a Bridge over *Damarascotti River*, in the County of *Lincoln*, passed *February* the eleventh, one thousand seven hundred and ninety-five.  
[Repealed March 10, 1797.]
1797. March 11. An ACT to secure the Town of *Boston* against Damage from Fires.  
[Repealed June 23, 1797.]
- June 23. An ACT to secure the Town of *Boston* against Damage from Fires.  
[Repealed June 27, 1798.]
1799. Feb. 13. An ACT to empower the Inhabitants of the Town of *Boston* to choose a Board of Health, and for removing and preventing Nuisances in said Town.  
[Repealed June 20, 1799.]
- March 1. An ACT for regulating the Fishery in the Town of *Woolwich*, in the County of *Lincoln*.  
[Repealed March 1, 1800.]

# ERRATA.

## VOL. I.

### *Marginal References.*

Page 87, for July 26 read Feb. 27	Page 272, f March 21 r March 27
ib. f July 24 r Feb. 24	ib. f Feb. 27 r Feb. 26
89, f June 20 r June 22—and	313, f July 8 r Feb. 8
add, "See General Laws"	394, f March 8 r March 9
126, f 1796 r 1792	449, f March 8 r March 9
214, f 1793 r 1790	452, f 1792 r 1793.
238, f Feb. 11 r Feb. 21	

## VOL. II.

### *Marginal References.*

Page 90, f 1790 r 1799	Page 325, dele Feb. 22, 1793—f Feb.
102, dele Feb. 22, 1793, and	12 r Feb 7
insert "See Vol. I. 435	370, f 1801 r 1800
note"	393, f 1804 r 1803
192, f Jan. 28 r Jan. 30	405, f Nov. 15 r March 4
271, f March 16 r March 10	469, f Jan. 28 r Jan. 30.

## VOL. III.

Page 323, dele the reference opposite the title of the Act.  
351, marginal reference—f March 8 r March 9.

In the margin of the Act Vol. I. 438. *insert* "Made perpetual March 7, 1797."  
The Act granting certain privileges to a *Slitting-Mill* in *Taunton*, inserted  
Vol. I. 319. ought to have been omitted. It was repealed March 2, 1798. See  
Vol. II. 221.

[The following errors, though of a description different from the above, it may  
be proper to notice, in this connexion.]

In the title of an Additional Act respecting *Duck-Trap Bridge*, passed March  
14, 1805, the Original Act is referred to as having passed June 24, 1804; but  
the true date of the Act intended is June 24, 1802. See Vol. III. p. 25, 525.

In an Additional Act respecting the *Second Massachusetts Turnpike Corporation*,  
Vol. III. p. 471. there is a misrecital of the title of the Original Act.

A similar error in the title of an Additional Act relative to *Haverhill Bridge*,  
is noted Vol. I. p. 435.



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Private and Special

S T A T U T E S

O F

M A S S A C H U S E T T S.

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An ACT for erecting a Town within the County of *Hampshire*, by the Name of *Montgomery*.

Part of Nor-  
wich and  
Southampton  
annexed March  
6, 1792.  
Preamble.

**W**HEREAS the inhabitants of the northerly part of *Westfield*, called the *New-Addition*, on the east side of *Westfield* River, and the southwesterly part of *Southampton*, viz. The fifth mile square, sixth mile square, and the half square mile adjoining the said sixth mile square, and the southerly corner of *Norwich*, beginning at Moose Meadow Corner, eight hundred rods on *Southampton* west line; thence a straight line to Rock-House Corner, so called, to the corner of the abovesaid *New-Addition*, have represented to this Court the great difficulties and inconveniences they labour under in their present situation, and have earnestly requested that they be incorporated into a town:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said northerly part of *Westfield*, called the *New-Addition*, on the east side of *Westfield* River, and the southwest-erly part of *Southampton*, and southerly corner of *Norwich*, lying as aforesaid, and all bounded as follows, viz. Beginning at Rock-House Corner on *Blandford* line; thence on said *Blandford* line south twenty-two degrees east to *Westfield* River; thence down said River to *Westfield* old town line; thence easterly upon the old town line to the end of the proprietors' long lots; thence north twenty-two degrees east on said *New-Addition* line, seven hundred and twenty-five rods to *Southampton* line on the half square mile line; thence east twenty-one degrees south, to a rock and heap of stones; thence north four degrees east, three hundred eighty-five rods; thence west one hundred sixty rods to the south-east corner of the aforesaid fifth square mile; thence north

Boundaries.

four degrees east, three hundred twenty rods ; thence west three hundred twenty rods to *Southampton* west line ; thence north four degrees east on said west line, one hundred sixty rods ; thence running a straight line to the first mentioned corner, butting northerly on said *Norwich*, be and hereby is incorporated into a town by the name of *Montgomery* ; and the said town be and hereby is invested with all the powers, privileges and immunities that towns in this Commonwealth do or may enjoy by the Constitution or laws of the same.

John Kirkland Esq. empow-  
ered to call the  
first meeting.

SECT. 2. *And be it further enacted*, That *John Kirkland*, Esq. be, and hereby is empowered to issue his warrant, directed to some principal inhabitant within said town of *Montgomery*, requiring him to warn the inhabitants of said town qualified to vote in town affairs, to assemble at some suitable time and place in said town, to choose such officers as are necessary to manage the affairs of said town.

Proviso.

*Provided nevertheless*, The inhabitants of said town shall pay their proportionable part of all such Town, County, State and other Taxes as are already assessed, or may be assessed upon them by the respective towns to which they have belonged, and of all public debts and duties which may be due and owing from the said towns, until a tax shall be laid by this Court upon the said town hereby incorporated.

The inhabit-  
ants of said  
town entitled  
to their just  
proportion of  
arms and am-  
munition.

SECT. 3. *And it is hereby further enacted*, That the inhabitants of said town of *Montgomery* be entitled, and they hereby are enabled to demand and receive their just proportion of the arms and ammunition to which they were entitled from their several towns previous to this Act being passed.

Proviso.

*Provided nevertheless*, and be it further enacted, That the town of *Woffield* shall hold and enjoy for their use the two public lots in said *New-Addition*, viz. the Ministry and School Lots, so called.

[This Act passed November 28, 1780.]

# An ACT for incorporating the second Parish in *George-town*, in the County of *Lincoln*, into a separate Town, by the Name of *Bath*.

Preamble.

WHEREAS the inhabitants of the second Parish of *George-town*, in the county of *Lincoln*, have petitioned the Legislature of this Commonwealth, setting forth, that great inconveniences accrue to them by their being continued a part of said town, on account of the detached situation of the said second parish from the lower division of said town : And whereas it appears that the representation of the said inhabitants, as stated in their petition, is founded on facts : Therefore,

The second pa-  
rish of *George-  
town* incorpo-  
rated into a  
town by the  
name of *Bath*

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said second parish be, and it hereby is incorporated into a separate



arate town, by the name of *Bath*, with all the powers, privileges and immunities of incorporated towns.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the bounds of the said town of *Bath* be, and they are hereby as follows, viz. Northwardly and westwardly by *New Meadows River*, so called; northwardly and eastwardly by *Merry Meeting-Bay*; southwardly by *Kennebeck River*; and southwardly and westwardly by *Winnogance Creek*, so called; and from said Creek by a path which was formerly an Indian carrying place, as said path runs to the nearest part of *Casco-Bay*. *Provided notwithstanding,* That the said inhabitants be held to pay their proportion of the public tax, which is now assessed on said *Georgetown*, and remains unpaid; and also that they be held to comply with all other requisitions of Government on the said town of *Georgetown*, prior to this Act, as though the same had never been made.

SECT. 3. *And be it further enacted,* That *Samuel Harnden*, Esq. be, and he hereby is empowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of *March* annually; at which meeting all the then present male inhabitants, upwards of twenty-one years of age, shall be admitted to vote.

[This Act passed *February 17, 1781.*]

### An ACT for erecting the District of *Natick*, in the County of *Middlesex*, into a Town, by the Name of *Natick*.

WHEREAS by an Act made in the year of our Lord one thousand seven hundred and sixty-two, the then society and parish of *Natick*, and the inhabitants thereof, were vested with all the privileges, powers and immunities that districts are vested with, save only the exception contained in the following clause, viz. "Provided, that the present meeting-house shall not be removed, nor any new meeting-house erected within the same, without the special license of this Court." And whereas by one other Act, made in the year of our Lord one thousand seven hundred and seventy-five, among other things it is enacted and declared, that each district within the then colony, now Commonwealth of *Massachusetts*, whose incorporation answers to the description contained in said Act, "shall be holden, taken, and intended to be a town, to all intents and purposes whatsoever;" but no mention is made in said Act of the district of *Natick*, or of the excepting clause above recited; in consequence whereof doubts have arisen whether the said district of *Natick* is entitled to the privileges granted by the said Act herein last mentioned: For the removal of all doubts and disputes relative thereto:

SECT.

Excepting  
clause- in the  
Act for erect-  
ing the society  
and parish of  
Natick into a  
separate dis-  
trict repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the before-mentioned excepting clause, in the Act for erecting the society and parish of *Natick* into a separate district, by the name of *Natick*, be and it hereby is repealed and declared null and void.

Boundaries  
confirmed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said district of *Natick*, with the same bounds and limits, be and it hereby is erected into a town, by the name of *Natick*. And it is hereby declared, that the inhabitants thereof are vested with all the powers, privileges and immunities which other towns by law and the Constitution of this Commonwealth do or may enjoy, to all intents and purposes whatsoever.

The inhabit-  
ants of Natick  
held to fulfil  
their agree-  
ment with the  
Rev. Mr. Ste-  
phen Badger.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inhabitants of said *Natick* shall be held punctually to fulfil all votes and contracts made and passed with and in favour of the Rev. Mr. *Stephen Badger*, respecting his maintenance as a minister : And that nothing in this Act shall extend, or be construed to extend, so far as any way to affect the possession or improvement of any rights, privileges or advantages which have been granted or devised to the said Mr. *Badger*, as Missionary or Minister of *Natick* ; but the same shall be by him held and enjoyed in the same manner as they might and would have been, if this Act had not been passed.

[This Act passed February 19, 1781.]

An ACT to set off that Part of *Shelburne*, which lies on the south side of *Deerfield River*, from said Town, and annexing the same to the Town of *Conway*.

Preamble.

WHEREAS it appears that a number of the inhabitants of the town of *Shelburne*, in the county of *Hampshire*, living in the southerly part of said town, and on the south side of *Deerfield River*, would be much better accommodated by being set off from said town, and annexed to the town of *Conway*, in said county :

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the town of *Shelburne*, lying on the south side of *Deerfield River*, so called, containing by estimation two thousand and nine hundred acres, and bounded as follows : Southerly upon *Conway's* north line ; westerly upon *Ashfield's* east line ; and northerly upon the south bank of *Deerfield River* : And all the said lands, with the inhabitants thereon, shall forever hereafter be considered as belonging to the town of *Conway*.

Proviso.

*Provided nevertheless,* That the said inhabitants shall pay their proportionable part of all taxes and men which are already assessed

ed and levied on said town of *Shelburne*; any thing in this Act to the contrary notwithstanding.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the amount of the estates on and in said tract of land, and the polls thereon, returned by the Assessors of the town of *Shelburne*, in the last valuation taken, as belonging to said *Shelburne*, be deducted from the return made by said Assessors and added to the return made by the Assessors of the town of *Conway*.

[This Act passed *February 19, 1781.*]

The amount of the estates and polls returned by the Assessors of *Shelburne* to be deducted and added to the return made by the town of *Conway*.

## An ACT more effectually to prevent the Destruction of Alewives in their Passage up the Rivers and Streams in the Towns of *Salem* and *Danvers*.

WHEREAS it is necessary for the preservation of the fish called alewives, in their passage up the rivers and streams in the towns of *Salem* and *Danvers*, into the ponds at the head of those streams, that the Committees hereafter to be appointed in those towns, to see that the passage-ways for said fish be not obstructed, should have their respective jurisdictions enlarged, and further authority given them for the purposes aforesaid:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the towns of *Salem* and *Danvers* shall be, and they are hereby respectively empowered and directed at their meetings in *March* annually, each town to choose three or more persons, to see that the laws respecting the passage-ways for said fish be observed: And each person so chosen, shall take an oath faithfully to discharge the duties required of him by law. And the Committees of said towns shall meet together annually on or before the tenth day of *April*, at such time and place as the person first chosen by the town of *Salem* shall appoint, to be by him duly notified. And the major part of the Committees present at such meeting are hereby authorized and empowered to order the times, places and manner in which said fish may be taken within the limits of either of said towns, and also the number any one person may be allowed to take on any one day. And the members of the Committees aforesaid shall have joint and concurrent jurisdiction in either of said towns; and the doings of said Committees, or either of them, or the members of either of them, shall have full power to act as such, in either of said towns. And in case either of said towns shall neglect to choose such Committee, the Committee chosen by the other town shall be as fully empowered as though such town had not neglected. And the said Committees or either of them (on neglect as aforesaid) shall have power to cause the whole natural course of the streams through which said fish pass to, in both the said towns, to be kept open and without obstructions, to remove any such

Towns of *Salem* and *Danvers* empowered at their meetings in *March* to choose persons to see that the laws respecting the passage-ways for fish be observed.

The major part of the Committees of said towns empowered to order the time in which said fish may be taken.

In case.

as

The Committees authorized to go on the land of any person, without being considered as trespassers.

Persons molesting said Committees in the execution of their business. Penalty.

Committees authorized to open any dam or sluice head of any mill.

Proviso.

Persons obstructing the passage-way allowed by said Committee, to pay a fine of £50.

Owners of any tide mill erected, to keep a sluice-gate hoisted.

Persons not to take fish unless.

Penalty.

as may be found therein, to make the passage-ways of such streams wider or deeper, if they find it necessary. And the said Committees or either of them, or any member thereof, shall have authority to go on the land of any person through which any such river or stream runs, or on which such land may be bounded, for those purposes, without being considered as trespassers. And any person who shall molest or hinder said Committees, or either of them, or any member thereof, in the execution of the business of his or their office or offices, or shall obstruct any passage-way in such river or stream, otherwise than may be allowed by such Committees or Committee, he or she shall forfeit and pay a sum not exceeding *fifty pounds*, nor less than *ten pounds*.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Committees or the major part of them present at any meeting duly notified, being not less than three in number, shall be, and they are hereby authorized and empowered to open any dam or sluice head of any mill erected or that may be erected on or over any such river or stream, at the expense of the owner or owners of such dam or sluice, provided such owner or owners shall neglect to open the same, when thereto required by said Committees or such major part of them as aforesaid; and the dam or sluice so opened shall continue open to such depth and width as the Committees or said major part may judge necessary, from the tenth day of *April* to the tenth day of *June* in every year. And in case any person or persons shall obstruct the passage-way allowed or ordered by said Committees, or such major part of them, in any dam or sluice; each person so offending shall forfeit and pay a sum not exceeding *fifty pounds*, nor less than *ten pounds*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the owner or owners of any tide-mill erected, or that may hereafter be erected on any such river, shall keep a sluice-gate hoisted, or passage-way open, of three feet in width and two feet high, three hours at least before high water in each tide, from the said tenth day of *April* to the tenth day of *June* annually, on penalty of forfeiting for each tide it shall not be hoisted or the passage-way opened, a sum not exceeding *three pounds*, nor less than *five shillings*. And the bottom of the passage-way so opened, shall be as low as the said Committees or the major part as aforesaid shall judge necessary.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons shall take any of said fish on any day, or in any place, or in any manner, or in greater numbers than shall be allowed by said Committees as aforesaid, each person so offending shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *five shillings*; and no seines shall at any time be made use of to take said fish, nor shall they be taken in any manner more than three days in any one week.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the Committees aforesaid, or either of them, or any member thereof, shall detect any person or persons attempting to take any of said fish on any day, at any place, in any manner, or in a greater number, otherwise than is allowed by said Committees, and shall find fish with such person or persons, such person or persons shall be doomed to have taken said fish, and be subject to the penalties of this Act accordingly.

Persons detected to be subject to the penalties of this Act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all the penalties incurred by the breach of this Act, may be sued for and recovered in any Court of Record in the county of *Essex* proper to try the same. And all sums as recovered as forfeited by this Act shall be appropriated, one moiety thereof to the prosecutors, and the other moiety equally divided between the said towns of *Salem* and *Danvers*. And no person, by reason of his being one of either of the Committees aforesaid, shall be thereby disqualified from being a witness in any prosecution for breach of this Act.

Penalties how recovered.

[This Act passed February 19, 1781.]

### An ACT for annexing that Part of *Lancaster*, called the Southerly Part, to the Town of *Shrewsbury*.

**W**HEREAS it has been represented to this Court that the southerly part of *Lancaster*, in the county of *Worcester*, bounded on said *Shrewsbury*, in many respects will be more accommodated to be set off from the said town of *Lancaster*, and annexed to the town of *Shrewsbury*, in said county :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the southerly part of *Lancaster*, with the inhabitants thereof, bounded as follows, viz. Beginning at the northwest angle at *Still-Water* River, at a heap of stones by said river, at the end of *Ezra Beeman's* stone wall, as it now stands, near *Josiah Cutting's* mills ; from thence east five degrees south one hundred and ninety-eight rods to a county road leading from *Worcester* to *Lunenburg* ; thence angling round *Ebenezer Pikes'* farm to a heap of stones, the northeast angle of said *Pikes'* farm ; thence east nineteen degrees and thirty minutes south, one hundred and forty-four rods to a heap of stones ; thence east five degrees and thirty minutes south, one hundred and fifty-two rods, to a heap of stones ; thence east eighteen degrees north, one hundred and eighty rods, to a heap of stones ; thence east ten degrees north, two miles, to *Lancaster* river ; thence east twenty-five degrees south, one mile and a half and thirty rods, to a heap of stones on *Bolton* town line ; thence south twenty degrees and thirty minutes west, to a heap of stones on *Shrewsbury* town line ; thence angling on said *Shrewsbury* and said *Still-Water* River to the

Boundaries.

first mentioned angle ; be, and hereby are set off from the said town of *Lancaster*, and annexed to the town of *Shrewsbury* in the county of *Worcester*, there to do duties and receive privileges as other their inhabitants.

The inhabitants of the south part of *Lancaster* to pay their proportion of taxes already granted.

SECT. 2. *And be it further enacted*, That the inhabitants of the said southerly part of *Lancaster* as before described, shall pay the proportion of all such State, town and county taxes already granted to be raised on the town of *Lancaster* aforesaid.

Part of the valuation of *Lancaster* to be set off to *Shrewsbury*.

SECT. 3. *And be it further enacted*, That so much of the valuation of *Lancaster* be set off to *Shrewsbury* as is before mentioned ; and the Committee on the valuation are directed to govern themselves accordingly.

[This Act passed February 26, 1781.]

An ACT for erecting that Tract of Land lying in the County of *Berkshire*, called *New Ashford*, into a District, by the Name of *New Ashford*.

Preamble.

WHEREAS the inhabitants of *New Ashford*, (so called) in the county of *Berkshire*, have represented to this Court, the great difficulties and inconveniences they labour under in their present situation, and have earnestly requested that they may be incorporated into a district :

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said tract of land in the county of *Berkshire*, called *New Ashford*, lying between the towns of *Williamstown* and *Lanesborough*, *Hancock* and *Adams*, be and is hereby incorporated into a district by the name of *New Ashford* ; and the said district be and hereby is invested with all the privileges, powers and immunities that towns in this Commonwealth by law do or may enjoy, that of sending a Representative to the General Assembly only excepted, but hereby have liberty granted them to join with the town of *Lanesborough* for that purpose.

Gideon Wheeler, Esq. to call the first meeting.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Gideon Wheeler*, Esq. be, and hereby is directed and empowered to issue his warrant directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time and place in said district, to choose such officers as are necessary to manage the affairs of said district.

Proviso.

*Provided nevertheless*, The inhabitants of said district of *New Ashford* shall pay their proportionable part of all the State taxes for money, beef, and men, that hath been heretofore assessed or apportioned on the several towns within this Commonwealth, which hath not yet by them been furnished or paid.

[This Act passed February 26, 1781.]

An ACT for incorporating the second Precinct of the Town of *Lancaster* into a Town, by the Name of *Sterling*.

Additional Act  
March 12,  
1793.

**W**HEREAS from the extended situation, and an increased population of the town of *Lancaster*, many difficulties and inconveniencies have arisen to the inhabitants of said town : And whereas the inhabitants thereof have petitioned this Court, and earnestly requested that the second precinct of said town may be incorporated into a town :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said second precinct of *Lancaster*, in the county of *Worcester*, bounded as follows, viz. Beginning upon the southeast corner of *Leominster* ; and from thence to run a line east twenty-one degrees south one hundred and sixty perch ; and from thence to run south eight degrees west, two miles and an half and twenty perch ; which distance will be due west from *Jonas Fairbanks'* house ; and from thence to run south eighteen degrees west to a certain place called *The Foot of the Scar*, and extending on said line until it shall strike the line of the town of *Sherbury*, be, and hereby is erected into a town by the name of *Sterling* ; and that the inhabitants thereof be and they hereby are invested with all the powers, privileges and immunities which the inhabitants of towns within this Commonwealth do or may by law enjoy.

Boundaries.

*Provided*, That the inhabitants of said *Sterling* shall pay their proportion of the several taxes already assessed upon them by the said town of *Lancaster*.

Proviso.

SECT. 2. *And it is further enacted*, That the several poor, now supported by the said town of *Lancaster*, be equally divided and supported between and by the said towns of *Lancaster* and *Sterling*.

The support of  
the poor to be  
divided.

SECT. 3. *And be it further enacted*, That all the town stock now belonging to said town of *Lancaster*, be equally divided between said towns of *Lancaster* and *Sterling*.

Also the town  
stock

SECT. 4. *And be it further enacted*, That *Josiah Wilder*, Esq. be, and he is hereby empowered and directed to issue his warrant to some principal inhabitant of said town of *Sterling*, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to choose all such officers as towns are by law required to choose in the month of *March* annually ; at which meeting all the male inhabitants present, which are of the age of twenty-one years or upwards, and free, shall be admitted to vote.

*Josiah Wilder*,  
Esq. to call the  
first meeting.

[This Act passed April 25, 1781.]

An ACT for setting off *Samuel Park*, and others, from the Town of *Hopkinton*, and annexing them to the Town of *Holliston*.

**W**HEREAS it appears to this Court to be reasonable, and most convenient and necessary, that *Samuel Park*, *Jonathan Eames*, *William Eames*, *Daniel Eames*, and *Hopestill Eames*,

Preamble.

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B

with

with their estates, including the tract of land hereafter described, viz. Beginning at a great rock with stones upon it, a boundary between the town of *Hopkinton* and the town of *Holliston*, on the westerly side of *Parker's* farm; thence running northerly on the line of said farm, to a white-oak tree; from thence continuing on the line of said farm between the lands of *Jedediah Haven* and *Amariah Haven*, and the lands of the heirs of *Jonathan Eames*, deceased, and the heirs of *Daniel Eames*, deceased, to *Cold Spring Brook*; thence north-easterly as the brook runs to *Holliston* line; thence southerly and westerly on *Holliston* line, to the rock first mentioned; so as to include the whole of that part of *Parker's* farm that now belongs to the said town of *Hopkinton*, with their inhabitants:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *Samuel Park*, *Jonathan Eames*, *William Eames*, *Daniel Eames*, and *Hopestill Eames*, with their estates, including the tract of land above described, be, and they hereby are set off from the town of *Hopkinton* and incorporated with the town of *Holliston*; and shall forever hereafter be considered as belonging thereto.

Setting off S. Park and others, with their estates to the town of Holliston.

SECT. 2. *Provided nevertheless,* That the persons above-mentioned shall pay their proportionable part of all taxes which are already assessed and levied on the town of *Hopkinton*; any thing in this Act to the contrary notwithstanding.

Proviso.

SECT. 3. *Provided also, and be it further enacted by the authority aforesaid,* That the amount of the estates aforesaid, and the number of polls residing thereon, as returned by the Assessors of the said town of *Hopkinton*, in the present valuation, be deducted from the return made by the said Assessors, and annexed to the return made by the Assessors of the said town of *Holliston*.

[This Act passed April 28, 1781.]

Male perpet-  
ual March 7,  
1797.  
Another Act  
on this subject,  
but not repeal-  
ing this Act,  
March 9,  
1792.  
Preamble.

An ACT to provide more effectually for the Preservation of the Fish called Alewives, in the Streams running into *Merrimack* River, within the Town of *Andover*.

WHEREAS it is found that the laws already made are not sufficient to prevent the destruction of the fish called Alewives, in the streams within the town of *Andover*, which run into *Merrimack* River:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Act made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Act for preventing the unnecessary destruction of Alewives and other fish within this Province,"

Extending an  
Act passed  
1765. to the  
streams run-  
ning into Mer-  
rimack River.



Province," be, and it is hereby extended to the streams herein before mentioned. And the Selectmen of the town of Andover are hereby empowered to determine what number of barrels of said fish may be caught for market, and to let out the same in manner as in said Act is prescribed, at any time in the months of April and May annually, as well as in the month of March therein specified.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person shall catch, or shall attempt to catch any of the before mentioned fish, in any part of the streams herein before recited, at any time between the hours of eight in the evening and five in the morning, every person so offending shall forfeit the sum of not less than *twenty shillings*, nor more than *three pounds* for every offence. And the oath of any officer chosen at the annual meeting in *March* to see that the passage ways for fish are kept open, testifying any fact that may be considered as a violation of this or any former Act of the General Court made for the preservation of fish, shall be received as sufficient evidence of the same.

SECT. 3. *And be it further enacted by the authority aforesaid,* That each and every of the officers aforesaid be, and he is hereby empowered to make search for, and to seize any parcel of said fish which he has reason to suspect were taken at any time or place or in any way by law prohibited: And if any such officer shall have reason to suspect that any of said fish so taken are secreted under lock, or in any other way, he is hereby empowered in obedience to a warrant (which any Justice of the Peace in the same county is empowered to grant,) on application therefor from such officer, to break open such lock or other obstruction, in the day time, and having seized said fish, to take them into his custody; and the same officer shall give public notice of such seizure, by posting an advertisement of the same at the public house nearest to the place where such seizure was made; and if no person shall appear to said officer to claim said fish, within twenty-four hours after posting said advertisement, such fish, and any cask in which they may be packed, shall be forfeited. And if any person shall appear as aforesaid to claim said fish, then the said officer shall require the claimer to appear before some Justice of the Peace of the same county, who shall hear and determine the cause, except the value of the fish seized exceed the sum of *forty shillings*, in which case he shall require the said claimer or claimers to recognize, to appear before the next Court of General Sessions of the Peace for the same county; and if sufficient evidence be not offered to satisfy the Justice or the Court, that the fish so seized were taken at some other time and place, and for some other purpose than by law is prohibited, then the said fish and any cask in which they may be packed, shall be forfeited; and all fish that shall be forfeited in consequence of this Act, shall be sold by the officer who seized them; and all

Selectmen of Andover empowered to determine the numbers of barrels of Alewives shall be caught.

Time fixed for catching of said fish.

Penalty.

The oath of any town officer chosen for this purpose to be received as sufficient evidence.

Officers empowered to seize fish taken at any time or place prohibited.

Warrant to be granted by a Justice of the Peace upon suspicion—

The officer to notify the seizure.

Where no claimants appear, the fish to be forfeited.

When claimer do appear.

In which case

forfeitures

Forfeitures to whom shall enure. forfeitures in consequence of this Act, after paying charges, shall enure one half to the said officer, and the other half to the poor of the town of *Andover*.

Officers empowered to require suitable aid. In case of refusal—Penalty. Limitation. SECT. 4. *And be it further enacted by the authority aforesaid,* That the officers before-mentioned be, and they hereby are empowered to require suitable aid to enable them to execute their office; and any person who shall refuse or neglect to give aid when thereto required as herein provided, he shall, on conviction thereof before any Justice of the Peace of the same county, forfeit the sum of *three pounds*.

This Act to continue and be in force for the space of four years from the first day of next *November*, and no longer.

[This Act passed *May 8, 1781.*]

Additional Act, July 6, 1787.

An ACT for erecting the Northerly Part of the Town of *Shutesbury*, and that Part of a Tract of Land called *Ervingshire*, which lies on the South Side of *Miller's River*, into a separate Town by the Name of *Wendell*.

Preamble.

WHEREAS the inhabitants of the northerly part of the town of *Shutesbury*, and that part of a tract of land called *Ervingshire*, which lies on the south side of *Miller's River*, in the county of *Hampshire*, have represented to this Court the difficulties they labour under in their present situation; and apprehending themselves of sufficient number and ability, request that they may be incorporated into a separate town:

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the northerly part of the town of *Shutesbury*, and that part of a tract of land called *Ervingshire*, which lies on the south side of *Miller's River*, bounded as follows, viz. Beginning at the south side of *Miller's River*, at the north-west corner of *John Erving*, Esquire's land, and from thence extending south fourteen degrees, west two thousand and one hundred rods, or until it comes in a direct line with the south end of the lots number two, three, seven, nine, twenty-six and twenty-seven; from thence running east on the south line of said lots one thousand three hundred and eleven rods to *New Salem* town line; thence running northerly by *New Salem* line to *Miller's River* two thousand and eighty-four rods; from thence by said river until it comes to the first-mentioned bounds, be and hereby is incorporated into a separate town, by the name of *Wendell*, and invested with all the powers, privileges and immunities that towns in this State do or may enjoy.

The inhabitants of the town of *Wendell* to pay their proportion of charges.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Wendell* shall pay their proportion of all State, county and town charges, already granted to be raised in the town of *Shutesbury*; and also their proportion of the pay of the Representative for the present year.

SECT.

SECT. 3. *And be it also enacted by the authority aforesaid, That Moses Gunn, Esq. be, and he hereby is authorized and required to issue his warrant to one of the principal inhabitants of said town of Wendell, authorising and requiring him to notify and warn the freeholders and other inhabitants of the said town, of the age of twenty-one years, and free, to meet together at such time and place as shall be expressed in said warrant, to choose such officers as towns are authorized by law to choose, and transact other such lawful matters as shall be expressed in said warrant. And the inhabitants of said town, of the above age and description, shall be allowed to vote in said meeting and all succeeding town-meetings, until a valuation shall be taken by the Assessors thereof.*

Moses Gunn, Esq. required to call the first meeting.

[This Act passed May 8, 1781.]

An ACT to set off a Part of the Town of *Murrayfield*, and annex it to the Town of *Norwich*.

**W**HEREAS it appears that *Abel Partridge*, and others, living on the easterly part of *Murrayfield*, would be greatly accommodated by being set off from said town of *Murrayfield* and annexed to the town of *Norwich* :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the said town of Murrayfield that lies easterly of a direct line from the southwest corner of Ingersoll's Grant, so called, to the southwest corner of Chesterfield, with the inhabitants thereon, shall forever hereafter be considered as belonging to the town of Norwich.*

Part of the town of Murrayfield to be considered as belonging to the town of Norwich.

SECT. 2. *Provided nevertheless, That the said inhabitants shall pay their proportionable part of all taxes, and of the men to be raised for the Continental Army, which are already ordered by the General Court on said town of Murrayfield; any thing in this Act to the contrary notwithstanding.*

Proviso.

SECT. 3. *Provided also, and be it further enacted by the authority aforesaid, That the amount of the estate contained on and in said tract of land, and the polls thereon returned by the Assessors of the town of Murrayfield, be deducted from the return made by the said Assessors, and added to the return made by the Assessors of the town of Norwich.*

Proviso.

[This Act passed May 8, 1781.]

An ACT for incorporating the Plantation called *Chesterfield-Gore*, and the Northwardly Part of the Town of *Chesterfield*, in the County of *Hampshire*, into a Town by the Name of *Goshan*.\*

\* Called *Goshen* in several subsequent Acts.

**W**HEREAS the inhabitants of the plantation called *Chesterfield Gore*, formerly known by the Second Additional Grant made to *Narraganset* township number four, and those on the

Preamble.

the northwardly part of the First Additional Grant to said *Narraganset* township, now included in the town of *Chesterfield* aforesaid, have represented to this Court the great difficulties and inconveniencies they labour under in their present situation, and have earnestly requested that they be incorporated into a town :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, The plantation called Chesterfield Gore, and that part of the First Additional Grant to Narraganset township aforesaid, now included in the town of Chesterfield, and bounded as followeth, viz. Beginning at the southwest corner of the said Second Additional Grant, or Chesterfield Gore ; thence north bounding westerly on unappropriated lands eight hundred and sixty-four rods to Ashfield south line ; thence east nineteen degrees south on said Ashfield south line till it comes to Conway west line ; thence south nineteen degrees west on said Conway west line to a bound formerly known by Hatfield northwest corner ; thence south eleven degrees west on Williamsburg west line to the southeast corner of the First Additional Grant to said Narraganset Number Four ; thence west on the south line of said Grant six hundred and fifty-four rods, including the whole of the four tier of the original lots on the said First Additional Grant ; thence north eleven degrees east on the west line of the aforesaid four tier of original lots, four hundred and fifty rods, to the northwest corner of the original lot number twenty-nine ; thence west three hundred and twenty-six rods to the southwest corner of lot number ninety-four, being the northwest corner of the pine timber lot, so called ; thence north eleven degrees east four hundred rods to the south line of the Second Additional Grant, or Chesterfield Gore ; thence west to the first mentioned bounds, be, and hereby is incorporated into a separate town by the name of Goshan, with all the powers, privileges and immunities that towns within this Commonwealth have or do enjoy.*

Boundaries.

J. Sherwin, Esq.  
empowered to  
call the first  
meeting.

SECT. 2. *And be it further enacted, That Jacob Sherwin, Esq. be, and hereby is empowered to issue his warrant to some principal inhabitant of said plantation, requiring him to call a meeting of said inhabitants, in order to choose such officers as by law towns are empowered to choose, in the month of March annually.*

Proviso.

SECT. 3. *Provided nevertheless, The inhabitants of that part of the First Additional Grant which are included in the town of Chesterfield, shall pay their proportionable part of all such State and county taxes, and town taxes, so far as respects the raising of men and supplies for the Continental Army as are already set upon them by the town of Chesterfield, in like manner as though this Act had not been made.*

[This Act passed May 14, 1781.]

An

An ACT for repealing one Clause or Part of an Act of this Commonwealth, made and passed in the Year of our Lord One thousand six hundred and ninety-nine, entitled, "An Act for rebuilding the Great Bridge over *Charles River* in the Town of *Cambridge*."

**W**HEREAS the Great and General Court in the year of our Lord one thousand six hundred and ninety-nine, then thought fit to make and pass an Act for the purpose of supporting and maintaining *Cambridge Bridge*, and by said Act subjected the town of *Newton* to one third part of the charge of maintaining the same; inasmuch that *Newton* then having no part of any large bridge in said town to maintain, but the case is so altered at this time that the town of *Newton* is subjected to the charge of maintaining the one half of five bridges over said *Charles River*, where it borders on said town, which are very expensive: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That that part of the aforesaid Act that subjects the town of *Newton* to any part of the charge of supporting and maintaining said bridge in the town of *Cambridge*, and also any other Act or resolve that respects the town of *Newton*, relative to their being obliged to maintain said bridge, be, and hereby are repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the town of *Newton* shall not be any longer held to answer to any charge, suits or demand, relative to said bridge (in *Cambridge*) in consequence of any Act or resolve whatsoever now existing, excepting that the town of *Newton* shall be held to pay one third part of the repairs now to be made agreeable to an agreement entered into between the Selectmen of the towns of *Cambridge*, *Newton*, and *Lexington*, in May, one thousand seven hundred and eighty.

[This Act passed May 16, 1781.]

An ACT for granting to *Thaddeus Newton* One Hundred Acres of Land in the Town of *Murraysfield*.

**W**HEREAS *Thaddeus Newton*, of *Murraysfield*, in the county of *Hampshire*, in the year one thousand seven hundred and seventy-three, was entitled to a good and lawful deed of one hundred acres of land in said *Murraysfield*, from Col. *John Chandler*, of *Worcester*, on certain conditions, which conditions said *Newton* hath fulfilled on his part, but said *John Chandler* hath taken refuge with the enemies of these United States, and hath not complied with his said agreement; by which means the said *Newton* will sustain great damage unless he is relieved by this Commonwealth: Therefore,

*Be*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That lot number nine, in the first division in said Murraysfield, laid out to John Chandier, Esq. an absentee, be, and hereby is granted and confirmed to him the said Thaddeus Newton, his heirs and assigns, as an absolute estate of inheritance, in fee simple forever.*  
 [This Act passed June 28, 1781.]

Made perpetual confirmed March 7, 1797. Additional Act June 12, 1802. An ACT to prevent Damage being done on the Meadows lying in the Township of Yarmouth, called Nobscuffett Meadow; and a small Commonage of Land, and Beaches thereto adjoining.

Preamble.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches and shores adjoining to Nobscuffett Meadow, in Yarmouth, between said meadow and Yarmouth harbour, whereby the beach is much broken and damified; and the sand much blown on said meadow and lands adjoining, to the great damage not only of private persons in their property, but also of the said town in general, so far as relates to said meadow, harbour, and the lands adjoining:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of July next, no person or persons shall presume to turn or drive any neat cattle or horse kind, sheep or swine, to, or upon any of the beaches, meadows or shores at said Nobscuffett, beginning at the westerly side of Tobey's land, upon the bank near the sea shore, and all lands, beaches and meadows lying to the southward and westward of the said Tobey's land, extending to Yarmouth harbour, that is now lying without fence to the sea shore, and so to the extent of the meadow and beaches afore said in said Yarmouth, from the fifteenth day of April to the fifteenth day of November annually, upon the penalty of ten shillings a head for neat cattle and horse kind, and one shilling for each sheep and swine that shall be turned and found on said beaches, meadows or shores, within the time and limits afore said, which penalty shall be recovered by the Selectmen or Treasurer of the said town of Yarmouth, or any other person that shall inform and sue for the same; the one half of the said forfeiture shall enure to the benefit of him or them who shall inform and sue for the same; the other half to the benefit of the poor of the said town of Yarmouth.*

SECT. 2. *And be it further enacted by the authority afore said, That if any neat cattle or horse kind, or sheep or swine, shall at any time hereafter be found on the said beaches, meadows or shores, southward or westward of the said Tobey's land, extending*

Persons prohibited from turning cattle of all kinds upon the beaches, meadows, &c. at Nobscuffett, and Yarmouth after the first day of July next.

Penalty.

Cattle liable to be impounded.

ing to *Yarmouth* harbour, that is now or that shall be hereafter thrown out to common or lying without fence, it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public notice thereof in the said town of *Yarmouth*, and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded: And if the owner thereof appear, he shall pay the sum of *three shillings* to the impounder for each neat beast and horse kind; and *one shilling* for each sheep and swine; and the reasonable costs of relieving them, besides the pound keeper's fees; and if no owner appear within the space of six days to redeem the said cattle, or horse kind, sheep or swine so impounded, and to pay the costs and damage occasioned by impounding the same; then, and in every such case the person or persons impounding such cattle or horse kind, sheep or swine, shall cause the same to be sold at public vendue, to pay the costs and charges arising about the same: (public notice of the time and place of such sale to be given in the said town of *Yarmouth* forty-eight hours before hand,) the overplus (if any there be) arising by such sale, to be returned to the owner of such cattle or horse kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall enure the one half to the use and benefit of the party impounding, and the other half to the use and benefit of the poor of the said town of *Yarmouth*.

Fees to be paid  
to the im-  
pounder, &c.

And in case,

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said town of *Yarmouth*, at their meeting in *March* annually, for the choice of town officers, be, and hereby are authorized and empowered to choose one or more meet person or persons whose duty it shall be to see this Act observed, and to prosecute the breakers thereof; and who shall be sworn to the faithful discharge of their office: And in case any person so chosen shall refuse to be sworn, he shall forfeit and pay for the use of the poor of said town of *Yarmouth*, *forty shillings*: And upon such refusal, said town from time to time shall proceed to a new choice of such officer or officers.

Town of Yar-  
mouth em-  
powered to  
choose meet  
persons to see  
this Act duly  
observed.

SECT. 4. *Provided nevertheless, and it is hereby declared,* That this Act shall not be construed so as to restrain any person or persons on the whaling or fishing business from turning their horses or oxen on the piece of common near said meadows, in case they confine said horses or oxen to the said common.

This Act to continue and be in force until the first day of *July*, in the year of our Lord one thousand seven hundred and eighty-nine.

[This Act passed June 28, 1781.]

An

An ACT for altering the Dividing Line between the  
Towns of *South-Hadley* and *Granby*.

Preamble.

**W**HEREAS many Difficulties have arisen between the towns of *South-Hadley* and *Granby*, by means of a very crooked and unequal dividing line between the said towns; for preventing whereof,

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in future the dividing line between said towns shall be as follows, viz. Beginning at a pine tree, now a boundary between said towns, standing on *Springfield* line, about half a mile west of *Stoney Brook*, so called; thence running northwardly, a direct course to the parting of the roads on the north side of *Batchelor's Brook*, near the said banks, so called, one of said roads leading to *Amherst*, and the other to *Granby*; and from thence to continue straight forward the same point of compass to *Hadley* bounds.

And whereas by the present running of the dividing line between said towns, some persons or their estates may not fall into the town where it will be most convenient and agreeable to such persons:

Persons living  
in said town to  
have their  
choice.

Proviso.

SECT. 2. *Be it further enacted,* That each of the persons living in said towns, shall have their liberty and choice of belonging to either of said towns, as will be most agreeable to them, together with their respective estates. *Provided,* The person so choosing to remove himself or his estate from the town where he inhabits, or where his estate lays, to the other towns, shall make a return of his name or the estate so to be removed, into the Secretary's office, on or before the first day of *January* next, therein particularly mentioning the quantity of his land, with the boundaries of such land, and the name of the town to which he would have the same annexed, which person, or his estate, so described, as aforesaid, shall, from and after the said first day of *January* next, be considered to all intents and purposes as belonging to the town to which the same is subscribed; such person or estate being included within the limits of the other town notwithstanding.

No alteration  
to be made in  
the assessing or  
collecting tax-  
es laid on ei-  
ther of said  
towns.

SECT. 3. *And be it further enacted,* That nothing in this Act shall extend to any alteration in the assessing or collecting any rates or taxes that are now laid on either of said towns, but that the same shall be assessed and collected in the same manner as they ought to have been before the making of this Act.

[This Act passed *June 28, 1781.*]



An ACT for setting off *Thomas Eaton*, with his Estate, from the First Parish in the Town of *Reading*, and annexing him and his Estate to the Third Parish in said Town.

**W**HEREAS when the said third parish in *Reading* was set off from the first parish in said town, the land and tenements now belonging to *Thomas Eaton* were retained to the said first parish, notwithstanding the said land and tenements lie wholly within the third : Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the said *Thomas Eaton*, together with all his lands and tenements lying within the line of the third parish in *Reading*, be, and is hereby set off from the first parish in *Reading*, and annexed to the third parish in said town ; any law or Act to the contrary notwithstanding. Thomas Eaton's lands, &c. annexed to the Third Parish in the town of Reading.

[This Act passed July 6, 1781.]

An ACT to set off *Thomas Morse*, and others, from the West Parish in the town of *Bradford*, in the County of *Essex*, and to annex them to the East Parish in said Town.

**W**HEREAS for the greater convenience of attending the public worship of God, it is found necessary to set off *Thomas Morse*, *Phineas Carlton*, *Simeon Currier*, *William Parker*, *Lieut. Eliphalet Hardy*, *Daniel Hardy*, *Benjamin Morse*, *Ebenezer Mulliken*, and *Francis Kimball*, with the land they live on, with all the land between Capt. *Eliphalet Hardy's* west line, and the east line of the farm called *Woodman's* farm, about six hundred and seventy acres, to be annexed to the east parish in *Bradford*, excepting *Joseph Kimball*, *Nathaniel Kimball*, *Lieut. Daniel Kimball's* land, and the land that belongs to the heirs of Deacon *Thomas Kimball*, deceased : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the abovesaid *Thomas Morse*, *Phineas Carlton*, *Simeon Currier*, *William Parker*, *Lieut. Eliphalet Hardy*, *Daniel Hardy*, *Benjamin Morse*, *Ebenezer Mulliken*, and *Francis Kimball*, with their families and land that lies between the west line of land belonging to Capt. *Eliphalet Hardy's*, and the east line of the farm called *Woodman's* farm, except what land belongs to *Joseph Kimball*, *Nathaniel Kimball*, *Lieut. Daniel Kimball*, and land belonging to the heirs of Deacon *Thomas Kimball*, deceased, be, and they hereby are set off from the west parish in *Bradford*, and annexed to the east parish in *Bradford*, and shall forever after be considered as belonging thereunto. Thomas Morse and others with their families and lands annexed to the east parish in the town of Bradford.

SECT.

Proviso.

SECT. 2. *Provided nevertheless*, That the several persons above-named, shall pay their proportionable parts of all the taxes which are already assessed or levied on the west parish, in like manner as though this Act had not been made.

[This Act passed July 6, 1781.]

Additional  
Act, June, 24,  
1794.

An ACT for incorporating the Proprietors of the House erected for the Public Worship of God, called the Tabernacle, in Salem, where the Reverend Nathaniel Whitaker now officiates.

Preamble.

**W**HEREAS the meeting-house in Salem, in which the Reverend Messieurs *Levet*, *Huntington* and *Whitaker* successively officiated, was consumed by fire, on the sixth of *October*, one thousand seven hundred and seventy-four, and the incorporation of the proprietors of said house thereby dissolved; and as *Miles Ward*, *Thomas Mason*, and others, named in a petition to this General Court, have erected another house for public worship, as set forth in said petition, and pray to be incorporated. And whereas the deed of the land on which said house stands, was given to a Committee in trust, for certain subscribers while they were unincorporated: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Miles Ward*, *Thomas Mason*, and all others who are, or who shall hereafter become proprietors of the meeting-house and land where the Reverend Doctor *Nathaniel Whitaker* now officiates, shall be a body corporate: And the deed given by the said *Nathaniel Whitaker* to Captain *Thomas Mason* and others, in trust, for said proprietors, and all votes and transactions of said proprietors, from and after the fourteenth day of *June*, one thousand seven hundred and seventy-eight, shall be, to all intents and purposes, valid, as though said proprietors had then been incorporated. And the said proprietors, or the major part of them, in concurrence with the church meeting in said house, are hereby authorized to do and transact all matters relative to the ordering and directing said propriety, agreeable to the laws and constitution of this Commonwealth; and all transactions shall be legal and valid to all intents and purposes.

SECT. 2. *And be it further enacted by the authority aforesaid,* That said proprietors shall have a meeting some time in the month of *May* annually, and shall choose a Clerk, a Treasurer, and a Committee to transact the affairs of the propriety, and such other officers as they may judge necessary; any or all of whom, shall be liable to removal for mal-conduct, and others shall be chosen in their room; which meeting shall be notified, for the first time, by seven or more of the petitioners for this Act, and ever after, by the direction of the Committee that shall be chosen

Proprietors to  
choose a Clerk,  
&c.

To be removed  
for mal-con-  
duct.  
How the meet-  
ing is to be  
notified.

chosen

chosen as aforesaid, by posting up advertisements at the doors of said meeting-house, at least fourteen days previous to the holding said meeting : And the Committee so chosen, shall be authorized and required, and are hereby authorized and required to call a meeting of said proprietors as aforesaid, at the times aforesaid, and at all other times when the interest of the propriety shall make it necessary, or when seven or more of the proprietors shall request it, and shall transact all such other business of the propriety as shall be herein after mentioned : And said proprietors shall have right to adjourn their meeting from time to time, as they shall judge needful, to effect their business ; and said proprietors, or the major part of them, meeting on due notice as aforesaid, shall have right to vote any sum or sums of money, for finishing or repairing their meeting-house, or for such other purposes as shall be necessary for the good of the propriety ; and such sums so voted, shall be assessed by the Committee to be chosen as aforesaid, upon the proprietors of pews or seats in said meeting-house, agreeable to a valuation which shall be made by the said Committee within seven days after the meeting in *May*, annually ; and such sums so assessed, the proprietors of pews or seats shall pay to the proprietors' Treasurer one quarter part of the sum assessed for the year immediately after it is assessed, and another quarter of the sum at the beginning of the fourth month after the assessment, and so on, continually paying one quarter advance ; and in case of failure of so paying, the Committee shall have right to let out the pews or seats of such delinquent proprietor to other persons ; and if such delinquent proprietor shall so neglect to pay for one whole year, the said pews or seats shall be forfeited, and revert to the propriety ; and the Committee aforesaid shall have as full power to let out or sell said pews or seats, and to give a deed or deeds of the same as though the former deed or deeds had never been given. *Provided always*, That the said Committee shall give notice of their design to sell such forfeited pews or seats to the said delinquent or delinquents, if living within the town, one month before the sale or disposal thereof ; and if the said delinquent, upon such notice, shall appear and pay the assessment due before the month is expired, said pew or seat shall be restored and stand as though no such forfeiture had been incurred.

Committee authorized to call a meeting when the interest of the propriety shall make it necessary.

Proprietors have right to adjourn their meeting, and to vote any sums of money for repairs and other purposes. To be assessed upon the pews.

Sum so assessed to whom paid.

In case—

Provido.

[This Act passed *October 27, 1781.*]

An ACT for widening and amending the Streets, Lanes and Squares, in that Part of the Town of *Charlestown*, which was lately laid waste by Fire.

**W**HEREAS great desolation and destruction was some time since made by the *British* troops in *Charlestown*, wantonly destroying the same by fire. And whereas a Committee

mittee was appointed by the town aforesaid, for regulating the streets, lanes and squares in that part of the town which was so laid waste, and the Committee hath accordingly proceeded to lay out the same; a plan whereof hath been laid before this Court, and is now deposited in the Secretary's office :

Confirming the proceedings of the Committee appointed by the town of Charlestown, and barring all actions brought.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said proceedings of the Committee be, and are hereby confirmed; and all actions that shall be brought for recovering possession of any land lying within any of the streets, lanes, squares, &c. laid out as aforesaid, or for damages sustained or occasioned thereby, shall be utterly and forever barred.

No buildings to be erected upon any street, &c. laid out.

To be deemed a nuisance.

How the charge to be paid for any removal of buildings.

Unless—

SECT. 2. *And be it further enacted by the authority aforesaid,* That no building whatsoever be so erected as to encroach upon any street, lane or square, by them laid out as aforesaid; and that every building so erected, be deemed a nuisance, and be accordingly taken down or removed by the order of any two Justices for the county of *Middlesex*, or the Selectmen of *Charlestown*, the charge of such removal to be paid out of the monies which shall be raised by the sale of the materials of such building, which by the order of said Justices or Selectmen, shall be sold for that purpose, unless the said charges shall be immediately paid by the owner.

Penalty for removing bound marks upon conviction.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever, shall wittingly or willingly, without good authority, pluck up or remove any of the stakes or bound-marks which have been or shall be fixed or set up by said Committee, to distinguish and ascertain the streets aforesaid, and shall be thereof convicted before any Justice of the Peace for the county of *Middlesex*, each and every person so offending, shall forfeit and pay the sum of *forty shillings*, for the use of the said town, or on failure thereof, shall suffer imprisonment for the space of two months.

And whereas some persons may suffer damage by laying out the streets, &c. according to the plan aforesaid, and others may receive benefit and advantage thereby :

By whom the value of all lands and buildings shall be determined.

SECT. 4. *Be it further enacted by the authority aforesaid,* That the value of all lands and buildings, and other materials taken from any person by virtue of this Act, shall be determined by three persons mutually chosen for that purpose, one of which shall be appointed by the Selectmen, or a Committee chose for that purpose, which person, so appointed by the Selectmen or Committee, shall not be an inhabitant of the town, and the other by the party interested in the land, which two shall choose a third, and the judgment of the three persons, or any two of them so chosen, shall be final in the case, and the town held and obliged to pay to the person interested in the land, buildings, or materials aforesaid, the sum at which it may be appraised as aforesaid.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in any case where the whole of any person's land may not be taken away by the plan aforesaid, the appraisers aforementioned, in estimating the sum said person shall receive, shall consider the advantage his remaining land receives, as well as the value of land taken from him by the plan aforesaid, and from a consideration of all circumstances, determine the sum of money such person shall receive as aforesaid.

In any case.

And whereas some estates may be advantaged and rendered more valuable by the execution of the plan aforesaid :

SECT. 6. *Be it therefore enacted by the authority aforesaid,* That the Selectmen, or a Committee appointed by the town for that purpose, shall have power to call upon all persons whose estates (in their opinion) are benefited by the execution of the plan aforesaid, to join in the appointment of appraisers in the manner before provided in this Act, for estimating damages as aforesaid ; which Appraisers shall have full power and authority to determine the sum that the owner of any estate so benefited ought to pay ; which estate shall be subjected to make good the sum so awarded by the Appraisers aforesaid.

Selectmen empowered to call upon persons whose estates are benefited to join in the appointment of Appraisers.

And whereas the house lots of *Richard Devens*, Esq. and Messieurs *Ebenezer Breed* and *Jonathan Penny*, are taken away by the plan aforesaid :

SECT. 7. *Be it further enacted by the authority aforesaid,* That the Selectmen of the town aforesaid, or a Committee appointed by the town for that purpose, shall be held and obliged to procure good and sufficient house lots for said *Richard Devens*, *Ebenezer Breed* and *Jonathan Penny*, which in the opinion of Appraisers to be chosen as is before provided by this Act, shall be equal in value and convenience to those taken away as aforesaid. And when said house lots are procured for the persons aforesaid, then their lots and buildings shall be under the same rules and regulations as to moving the buildings thereon, as is before provided by this Act for removing and preventing incumbrance and nuisances.

Selectmen obliged to procure house lots for Richard Devens, Eben. Breed and Jonathan Penny.

And whereas some persons in order to defeat the good purposes designed by this Act, may refuse or neglect to join in the appointment of Appraisers, as is before herein provided :

SECT. 8. *Be it enacted by the authority aforesaid,* That if any person or persons shall after being duly notified thereof by the Selectmen of the town, (or a Committee appointed for that purpose) refuse or neglect to join in the appointment of Appraisers as aforesaid, then it shall and may be lawful for the Selectmen or Committee aforesaid, to apply to any two Justices of the Peace in the town of *Boston*, which two Justices shall upon such application notify the party so refusing or neglecting, and after such notice duly given, the said two Justices shall have full power and authority to appoint any three freeholders of the town of *Boston*, who shall have the same power and authority

Persons refusing to join in the appointment of Appraisers, the Selectmen to apply to two Justices in the town of Boston, to appoint three freeholders to determine the value of the land.

thority in valuing any piece of land ; and all persons shall be as fully bound thereby, as though the parties had joined in the appointment.

And whereas the inhabitants of the town of *Charlestown*, are by reason of their losses in this present war, so reduced in their circumstances as to be rendered unable, without the assistance and encouragement of the public, to carry said plan into execution :

SECT. 9. *Be it further enacted by the authority aforesaid*, That from and after the passing this Act, there shall be allowed and paid out of the public treasury of this Commonwealth, to the Honorable *Nathaniel Gorham, Esq. Thomas Russell, Esq. and Mr. David Wood, jun.* or the survivor of them, one half of all the taxes paid by the town of *Charlestown*, for the space of seven years, to be applied to the purposes before mentioned.

SECT. 10. *And be it further enacted*, That the Treasurer of this Commonwealth be and hereby is directed to pay into the hands of the said *Nathaniel Gorham, Thomas Russell, and David Wood, jun.* or the survivor of them, one half of all the taxes laid upon said town, for the purposes aforesaid.

[This Act passed October 30, 1781.]

Additional  
Acts, Feb. 10,  
1789. March  
8, 1803.  
Preamble.

An ACT to incorporate certain Physicians, by the  
Name of *The Massachusetts Medical Society*.

**A**S health is essentially necessary to the happiness of society, and as its preservation or recovery are closely connected with the knowledge of the animal economy, and of the properties and effects of medicines ; and as the benefit of medical institutions, formed on liberal principles, and encouraged by the patronage of the law, are universally acknowledged :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* *some*, That *Nathaniel Walker Appleton, William Baylies, Benjamin Curtis, Samuel Danforth, Aaron Dexter, Shirley Erving, John Frink, Joseph Gardner, Samuel Holten, Edward Augustus Holyoke, Ebenezer Hunt, Charles Jarvis, Thomas Kest, Giles Crouch Kellogg, John Linn, James Lloyd, Joseph Orne, James Pecker, Oliver Prescott, Charles Pyncheon, Isaac Rand, sen. Isaac Rand, Micajah Sawyer, John Sprague, sen. Charles Stockbridge, John Bernard Sweett, Cotton Tufts, John Warren, Thomas Weiss, Joseph Whipple, William Whiting*, be, and they hereby are formed into, constituted, and made a body politic and corporate, by the name of *The Massachusetts Medical Society* ; and that they and their successors, and such other persons as shall be elected in the manner hereafter mentioned, shall be, and continue a body politic and corporate, by the same name forever.

SECT.

SECT. 2. *And be it enacted by the authority aforesaid,* That the fellows of said society may from time to time elect a President, Vice-President and Secretary, with other officers, as they shall judge necessary and convenient; and they, the fellows of said society, shall have full power and authority, from time to time, to determine and establish the names, number and duty of their several officers, and the tenure or estate they shall respectively have in their offices, and also to authorize and empower their President, or some other officer, to administer such oaths to such officers, as they, the fellows of said society, shall appoint and determine, for the well-ordering and good government of said society, provided the same be not repugnant to the laws of this Commonwealth.

Fellows of said society empowered to choose their officers to regulate the affairs of the society.

SECT. 3. *And be it enacted by the authority aforesaid,* That the fellows of said society shall have one common seal, and power to break, change and renew the same at their pleasure.

To have one common seal.

SECT. 4. *And be it enacted by the authority aforesaid,* That they, the fellows of said society, may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same unto final judgment and execution, by the name of the *Massachusetts Medical Society*.

Subject to sue or be sued.

SECT. 5. *And be it enacted by the authority aforesaid,* That the fellows of said society may, from time to time, elect such persons to be fellows thereof, as they shall judge proper; and that they, the fellows of said society, shall have power to suspend, expel, or disfranchise any fellows of said society.

Persons to be elected by the fellows.

SECT. 6. *And be it enacted by the authority aforesaid,* That the fellows of said society, shall have full power and authority to make and enact such rules and by-laws for the better government of said society, as are not repugnant to the laws of this Commonwealth; and to annex reasonable fines and penalties to the breach of them, not exceeding the sum of *twenty pounds*, to be sued for and recovered by said society, and to their own use, in any Court of Record within this Commonwealth proper to try the same; and also to establish the time and manner of convening the fellows of said society; and also to determine the number of fellows that shall be present to constitute a meeting of said society; and also, that the number of said society, who are inhabitants of this Commonwealth, shall not at any one time be more than seventy, nor less than ten; and that their meetings shall be held in the town of *Boston*, or such other place within this Commonwealth, as a majority of the members present in a legal meeting, shall judge most fit and convenient.

Fellows of said society empowered to make laws as are not repugnant to the laws of this Commonwealth.

Where their meetings are to be held.

And whereas it is clearly of importance, that a just discrimination should be made between such as are duly educated and properly qualified for the duties of their profession, and those who may ignorantly and wickedly administer medicine, whereby the health and lives of many valuable individuals are endangered, or perhaps lost to the community :

**SECT. 7.** *Be it therefore enacted by the authority aforesaid,* That the President and fellows of said society, or other such of their officers or fellows as they shall appoint, shall have full power and authority to examine all candidates for the practice of physic and surgery (who shall offer themselves for examination respecting their skill in their profession,) and if, upon such examination, the said candidates shall be found skilled in their profession, and fitted for the practice of it, they shall receive the approbation of the society in letters testimonial of such examination, under the seal of the said society, signed by the President, or such other person or persons as shall be appointed for that purpose.

**SECT. 8.** *And be it further enacted by the authority aforesaid,* That if the said President, and such other person or persons so elected and appointed for the purpose of examining candidates as aforesaid, shall obstinately refuse to examine any candidate so offering himself for examination as aforesaid, each and every such person so elected and appointed as aforesaid, shall be subject to a fine of *one hundred pounds*, to be recovered by the said candidate, and to his own use, in any Court within this Commonwealth proper to try the same.

**SECT. 9.** *And be it further enacted by the authority aforesaid,* That the fellows of said society may and shall forever be deemed capable in law of having, holding and taking in fee simple, or any less estate by gift, grant or devise, or otherwise, any land, tenement, or other estate real or personal; provided that the annual income of the whole real estate that may be given, granted or devised to, or purchased by the said society, shall not exceed the sum of *two hundred pounds*, and the annual income or interest of said personal estate, shall not exceed the sum of *six hundred pounds*; all the sums mentioned in this Act to be valued in silver at *six shillings and eight pence* per ounce: And the annual income or interest of the said real and personal estate, together with the fines and penalties paid to said society, or recovered by them, shall be appropriated to such purposes as are consistent with the end and design of the institution of said society, and as the fellows thereof shall determine.

**SECT. 10.** *And be it further enacted,* That the first meeting of the said medical society shall be held in some convenient place in the town of *Bylton*; and that *Edward Augustus Holyoke*, Esq. be, and he hereby is authorized and directed to fix the time for holding the said meeting, and to notify the same to the fellows of said medical society.

[This Act passed November 1, 1781.]

An



An ACT empowering the Court of General Sessions of the Peace, in the County of *Cumberland*, to lay out a County Road through the Plantations of *Bridgetown*, *Raymondtown*, and *Otisfield*.

**W**HEREAS there is no law making provision for opening and maintaining roads in plantations : Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, 'That the Court of General Sessions of the Peace in the county of Cumberland, be, and they hereby are authorized and empowered to cause to be laid out a county road through the plantations of Bridgetown, Raymondtown, and Otisfield; and that the cost of ascertaining the place and course of said road shall be borne by the said county, and that the cost of opening and repairing said road through each of said plantations shall be assessed in due proportion on the lands in each of said plantations where the cost of opening and repairing said road shall arise, and shall be assessed and collected and paid into the several treasuries in each plantation in the same way and manner as other assessments and collections are made and collected, for the purpose of defraying the charges aforesaid, always, until the said plantations shall be incorporated into towns. And said plantations shall be liable to be presented by the grand jury of the county of Cumberland, for not mending and repairing said road, as they would be if they were incorporated into townships.*

Court of General Sessions of the Peace in the county of Cumberland empowered to lay out a county road through certain plantations.

In what manner the assessments are to be made for defraying the charges.

[This Act passed *May 7, 1782.*]

An ACT for dividing the Town of *Wilbraham* into two separate Parishes.

**W**HEREAS for the greater convenience of attending the public worship of GOD, it is found necessary to divide the town of *Wilbraham* into two separate parishes : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said town of Wilbraham be, and the same is hereby divided into two separate parishes, by the names of the North Parish, and the South Parish, by a line coinciding with the south line of the lot whereon Nathaniel Bliss, deceased, lately lived; from the west bounds of said town to Monson line; and that the parishes abovementioned, and each of them be, and hereby are severally invested with all the powers, rights and privileges which parishes in this Commonwealth are by law invested with.*

Town of Wilbraham divided into two parishes. Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid, That Mr. Thomas Merrick, with his lands and estate be, and he hereby is annexed to the north parish above mentioned, and David Wool, Jesse Carpenter, and Jonah Babee, with their lands*

Lands annexed to the north and south parishes.

and

and other estate be, and they hereby are annexed to the south parish in the said town; any thing in this Act to the contrary notwithstanding.

Each parish to enjoy in equal shares the land heretofore sequestered.

SECT. 3. *And be it further enacted,* That each of the parishes aforesaid shall have and enjoy in equal shares the lands heretofore sequestered, devised, or given for the use or support of the ministry and the monies or securities for money that may be in the treasury, and as well the proceeds of the sale of lands, as any other monies or securities for money that have been given to the inhabitants of the said town for the support of the gospel.

Inhabitants of the north parish to improve the meeting-house.

SECT. 4. *And be it further enacted,* That the inhabitants of the north parish aforesaid, shall have a right to improve the meeting-house now standing in the same parish, for the purposes of public worship, so long as they shall think proper so to improve it.

John Blifs, Esq. to call a meeting of the parishes.

SECT. 5. *And be it further enacted,* That *John Blifs, Esq.* be, and hereby is empowered to issue his warrants to some principal inhabitant of each of the said parishes, requiring them to warn the inhabitants of the parishes to which they respectively belong, to meet at such time and place in each of the said parishes as by such warrants shall be duly specified, and then choose such officers as may be necessary to manage the affairs of the said parishes. And the inhabitants qualified by law to vote, being so assembled, shall be, and hereby are empowered to choose such officers in their respective parishes accordingly.

[This Act passed June 20, 1782.]

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An ACT for incorporating certain interval Lands belonging to certain Inhabitants of *Springfield*, and *West-Springfield*, lying on the West Side of *Connecticut River*, and on both Sides *Agawam River*, into a common Field.

Preamble.

WHEREAS Mr. *Thomas Williston*, representative for the town of *Springfield*, hath petitioned this Court for himself, and in behalf of the persons hereafter named, viz. *Capt. Samuel Burt, Capt. Thomas Stebbins, Jonathan Davight, John Burt, John Abley, Gad Blifs, Daniel Blifs, Joseph Lumbard, Nathan Blifs, Jacob Cooley, Zenas Blifs, Moses Blifs, Esq. Thomas Davight, Samuel Palmer, John Worthington, Esq. Thomas Bates, Capt. Joseph Ferry, Widow Mary Ferry, John Ferry, Solomon Ferry, Joseph Clough, Chauncey Brewer, Esq. Josiah Hitchcock, Samuel Leonard, Elijah Day, David Mason, Benjamin Day, Esq. Benjamin Leonard, jun. Enoch Cooper, Daniel Harris, Abner Leonard, Moses Leonard, Reuben Leonard, Benjamin Leonard, Stephen Bodurtha, David White, Samuel Phelps, John Lanckton, Jonathan Allen, Hezekiah Warriner, James Phillips, Solomon Miller,*

*Miller, Capt. Abel Cooley, Justin Ely, Esq. Joseph Stebbins, Joseph Merrick, Rev. Robert Breck, Eleanor Coleman, Capt. Israel Chapin, Capt. Timothy Blifs, Andrew Colton, Gerald Warner, John Warner, jun. Samuel Blifs, Aaron Warriner, Capt. George Pyncheon, Jedediah Blifs, and Horace White*, representing that by reason of the annual-floods in the aforesaid rivers, the said lands have always hitherto been fenced and improved in a common field, and that the most of them cannot be fenced in severalty; and that by the dissolution of the ancient field in which they were formerly included, the proprietors are deprived of the benefit and aid of the laws respecting the inclosing and due regulation of general fields, for want of a legal establishment, by means whereof the profits of their improvements of those lands are greatly diminished, and praying that the said lands may be erected into one common and general field, as they are included within the following lines, viz. Beginning at the west side of *Connecticut* River, at the southeast corner of the lot, lately the home-lot of *John Miller*, deceased, and extending westerly in the south line of said lot to the west end thereof, to the town way there; thence turning northerly, between said lot and said way, a few rods to the county road from the ferry to the bridge; thence running on the south side said county road, or highway, towards said bridge, to the northeast corner of *Samuel Leonard's* pasture, near the said bridge; thence turning and running southerly in the east line of said pasture to the southeast corner thereof; thence on the highest grounds a few rods to the side of *Agawam* River; thence continuing on the bank of said river and down the same, to a place directly opposite to the east fence of *Moses Leonard's* pasture, under the hill in *Agawam* meadow; and thence across said *Agawam* River to said *Moses's* fence aforesaid; and so continuing southerly, coinciding with the same fence, and with the fence of the east side of the next pasture, southerly of said *Moses's* aforesaid; and so on in the same course to *James Phillips's* land, and in the fence of said *James Phillips* until it comes to the brow of the hill in his land, and continuing on the brow of the hill to his mansion-house, late *Rice's*, now in occupation of his son *Thomson Phillips*; and thence in the same line that the fence of the old field runs, to the mouth of *Agawam* River; and from thence by the west side of *Connecticut* River to the first bound: Wherefore,

SECT. I. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands aforesaid, being all the lands included within the lines aforesaid, be, and hereby are incorporated into one common and general field; and the proprietors and owners of the said lands are hereby invested with all the powers and privileges that the proprietors of lands in general fields by law are invested withal.

Certain land on the west side of *Connecticut* River incorporated into a common field.

SECT.

Provide.

*Provided nevertheless*, and whereas several persons, proprietors of lands within the limits aforesaid, viz. Deacon *Jonathan White*, *Timothy Day*, *Ebenezer Day*, *Caleb Parsons*, *Caleb Bliss*, *Aaron Day*, *Dr. John Vanborn*, *Samuel Ely*, *Jonathan Smith*, and *Benjamin Stebbins*, jun. have not joined in the application made for the incorporation thereof, but have declined their consent thereto: Therefore,

Declining proprietors not to be subject to this Act.

SECT. 2. *Be it enacted*, That none of the beforementioned proprietors who have declined their consent as aforesaid, shall be obliged, as members of the said corporation or propriety, to contribute to the general fence, or be subjected to the votes of the other proprietors in regard to his or their lands they now own there, whenever and so long as he or they shall inclose and improve the same in severalty, or shall not improve and enjoy the same under the protection and security of the same common fence with the rest of the proprietors in general; any thing in the foregoing paragraph to the contrary notwithstanding.

Proprietors may inclose and improve any of their lands.

SECT. 3. *And be it further enacted*, That each and every of the petitioning proprietors aforesaid, may be at full liberty at any and all times hereafter, to inclose and improve by themselves, any of their lands lying within the limits aforesaid, as if such Act of incorporation had not been made; they maintaining their respective proportions of the general fence around the same.

[This Act passed June 27, 1782.]

## An ACT for naturalizing *Michael Cunningham* and *John Prescott*.

Preamble.

WHEREAS *Michael Cunningham* and *John Prescott*, late of the town of *Halifax*, in *Nova-Scotia*, have produced substantial evidence that they have, during the present war, particularly exerted themselves for the relief of *American* prisoners who have been carried into said *Halifax*; and that they have, in many instances, opposed the *British* tyranny, and espoused the cause of *America*, and have now fled to this country to pay obedience to and receive protection from its laws. And whereas it is just to reward such persons who have thus voluntarily taken a part in our defence, and expedient to encourage such well-disposed foreigners to join themselves to us:

*Michael Cunningham* and *John Prescott* naturalized.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That upon taking and subscribing the oaths, of allegiance, abjuration, and other oaths required by the laws of this Commonwealth, by the said *Michael Cunningham* and *John Prescott* respectively, they, the said *Michael Cunningham* and *John Prescott*, shall, from the time of taking and subscribing said oaths before any two Justices of the Peace of this Commonwealth, be

be deemed, adjudged and taken to be natural subjects of this Commonwealth, to all intents, constructions and purposes, as if they, the said *Michael Cunningham* and *John Prescott* had been respectively born within this Commonwealth, and had continued and dwelt therein from the time of their respective births, and been here abiding on the fourth day of *July*, in the year of our Lord seventeen hundred and seventy-six, and had each of them at that time and ever since, taken a part with and been aiding the inhabitants of this Commonwealth in defence of their liberties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if the said *Michael Cunningham* and *John Prescott*, shall take and subscribe the oaths aforesaid, in manner aforesaid; the persons before whom they shall take and subscribe said oaths, shall make return thereof to the Secretary, who shall record the same in a book, to be kept among the public records of this Commonwealth, for the purpose of recording the names of such foreigners as shall be hereafter naturalized by Acts of this Commonwealth.

Their oaths to be returned to the Secretary.

[This Act passed June 27, 1782.]

## An ACT for dividing the Town of *Sanford*, in the County of *York*, into two Parishes.

**W**HEREAS for the greater convenience of attending the public worship of GOD, it is found necessary to divide the town of *Sanford* into two separate parishes: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said town be and hereby is divided into two separate parishes, by the names of the *South Parish* and *North Parish*, by a line beginning at the head of the township of *Wells*, at *Moussam River*, so called; thence running up the eastern branch thereof, to the mouth of a certain brook, called the *Hay Brook*; then up said brook to a certain place known by the name of *Staple's Marsh*; then northwest to the head of the said town of *Sanford*. Town of Sanford divided into two parishes. Boundaries.

SECT. 2. *And be it further enacted,* That all the inhabitants of said town and lands therein on the northeast side of the line aforesaid shall be considered as belonging to the said north parish; and the residue of the inhabitants and lands as belonging to the said south parish.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the several parishes aforesaid be, and hereby are respectively invested with all the powers, rights, privileges and immunities, which other parishes in this Commonwealth are invested with. The parishes invested with all powers, &c. with other parishes.

SECT.

Nathl. Wells,  
Esq. to call a  
meeting of said  
parishes.

SECT. 4. *And be it further enacted, That Nathaniel Wells, Esq. be, and hereby is empowered to issue his warrant to some principal inhabitant of each of the said parishes, requiring them to notify and warn the inhabitants of the parishes to which they respectively belong, to meet at such time and place in each of the said parishes as by such warrants shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of the said parishes respectively. And the inhabitants qualified by law to vote, being so assembled, shall be, and hereby are empowered to choose such officers in their respective parishes accordingly.*

[This Act passed July 1, 1782.]

An ACT for erecting a District in the County of *Essex*,  
by the Name of *Lynnfield*.

Preamble.

**W**HEREAS the inhabitants of the north parish in the town of *Lynn* labour under great inconveniences and difficulties by reason of their distance from and difficult access to the usual place of meeting to transact town business, and many other great disadvantages, and have requested this Court that they may be incorporated into a district, with all the privileges of a town, that of sending a representative to the General Court excepted :

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said north parish and all that tract of land included within the same, and divided from the town of Lynn by the line and boundary following, viz. Beginning at Sawgust River, near a white-oak tree in Jonathan Tarble's lower field, near the cant of the river which is the line between Jeffers and Brinton's farms, and running eastwardly to lands of Benjamin Riddon; thence turning by John Pool's land as the wall runs, to a great rock by the side of the hill; thence southeasterly to Josiah Newhall, southwest corner bound, adjoining to the town wall, so called; thence running southeasterly to Andrew Mansfield, southwest corner, bound at the wall; thence running as the wall runs, to the southeast corner of John Lyndsey's orchard; thence northerly as the wall runs to the road that leads from Reading to Salem; thence easterly as the road runs to*

District invested with all the powers, &c. that other towns in this Commonwealth have. To join with Lynn in the choice of a Representative.

*Danvers line, be, and hereby is incorporated into a district, by the name of Lynnfield; and that the said district be and hereby is invested with all the powers, privileges and immunities that towns in this Commonwealth do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the inhabitants of said district shall have liberty from time to time to join with the town of Lynn in choosing a Representative, and shall be notified of the time and place of election in like*

like manner with the inhabitants of said town of *Lynn*, by a warrant from the Selectmen of said town, directed to a Constable or Constables of said district, requiring him or them to warn the inhabitants to attend the meeting at the time and place assigned, which warrant shall be seasonably returned by said Constable or Constables, and the Representative may be chosen indifferently from said town or district; the pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax.

SECT. 2. *And be it further enacted*, That *John Flagg*, Esq. be, and he is hereby empowered to issue his warrant directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district qualified to vote in town affairs, to assemble at some suitable time and place in said district, to choose such officers as towns and districts by law are required to choose in the month of *March* annually.

*John Flagg, Esq. empowered to call a meeting of the inhabitants.*

SECT. 3. *Provided nevertheless*, The inhabitants of said district shall pay their proportionable part of all such town, county and State taxes as are already assessed by said town, and their proportionable part of all public debts and charges due from said town, and towards the support of the poor of said town, till the close of the war, and at the close of the present war contribute towards the support of the poor of said town and district, according to an agreement made between said town and district in that behalf, on the nineteenth day of *June*, Anno Domini one thousand seven hundred and eighty-two.

*Proviso.*

SECT. 4. *Provided likewise*, That said district give up all their right in any of the town's privileges lying and being in the other part of the town, except that of joining with them in the choice of a Representative as aforesaid.

*Proviso.*

[This Act passed *July 3, 1782.*]

An ACT to create and erect a Corporation by the Name of *The Trustees of Dummer Academy*, in the County of *Essex*.

WHEREAS His Honor *William Dummer*, Esq. formerly Lieutenant-Governor of the late Province of *Massachusetts-Bay*, did in and by his last will and testament, devise all his estate in the town of *Newbury*, in the county of *Essex*, to the Reverend *Charles Chauncey*, Doctor of Divinity, the Reverend *Thomas Foxcroft*, and Mr. *Nathaniel Dummer*, and their heirs, and to the survivor of them, and the heirs of such survivor in trust, that the rents, issues, and profits of his said estate should be applied to the erecting and building of a school-house upon his farm in *Newbury* aforesaid, and towards the support and maintenance of a free grammar school there, for the excellent and beneficial design of instructing and educating youth. And

*Preamble.*

whereas a public free school hath ever since the first day of *March*, in the year of our Lord one thousand seven hundred and sixty-three, been erected and supported agreeably to the valuable intentions of the munificent donor, which hath proved of great and public utility in *qualifying youth for the important offices of church and state*. And whereas the views of the donor cannot hereafter be fully and completely carried into execution without erecting a body politic and corporate, and investing it with certain necessary powers which could not be effected by him in his last will and testament: Now, agreeably to the memorial and petition of the Reverend *Charles Chauncey*, the survivor of the devisees aforesaid, in order to carry into complete execution the benevolent intentions of the charitable testator, to support and perpetuate the said seminary of learning, the same being one of the first public foundations of a free grammar school within the Commonwealth, laid by the hand of private charity, and to protect and encourage the interests of literature and the sciences:

Trustees erected for said academy, and incorporated into a body politic.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Honorable *Jeremiah Powell*, Esq. the Honorable *Benjamin Greenleaf*, Esq. the Honorable *Jonathan Greenleaf*, Esq. Reverend *Joseph Willard*, President of *Harvard college*, Reverend *Charles Chauncey*, Doctor of Divinity, Reverend *Moses Parsons*, Reverend *John Tucker*, Reverend *Thomas Cary*, *Samuel Moody*, Esq. Preceptor of *Dummer school*, *William Powell*, Esq. *Micajah Sawyer*, Esq. *Dummer Jewett*, Esq. *Samuel Osgood*, Esq. *Nathaniel Tracy*, Esq. and Mr. *Richard Dummer*, be, and they hereby are erected into, and made a body politic and corporate, by the name of *The Trustees of Dummer Academy*, in the county of *Essex*; and that they and their successors, and such others as shall be duly elected into the said corporation, shall be and remain a body politic and corporate by the same name forever.

Trustees of said academy to be deemed and taken in law to be and stand seized in fee simple of all the estate devised by the late Honorable *William Dummer*, Esq. Provifo.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Trustees of the same academy, shall be deemed and taken in law to be and stand seized in fee simple and in possession to all intents and purposes of all the estate which was devised by the late Honorable *William Dummer*, Esq. for the use of his public free school as aforesaid; and that they shall be further capable of having, holding and taking in fee simple, or any less estate by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real and personal: *Provided nevertheless,* That the annual income of the same shall not exceed *two thousand pounds*.

Empowered to elect a President, Vice-President, Treasurer and Secretary, and such

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the more orderly conducting the business of the said corporation, the Trustees of the said academy shall have full power and authority from time to time, as they shall determine, to elect a President, Vice-President, Treasurer and Secretary,

or



or such other officers as they shall judge best ; and to fix and ascertain the tenures of their respective offices : And that the Trustees aforesaid may remove and dismiss any Trustee from the same corporation, when in their judgment he shall be rendered incapable by age or otherwise, of discharging the duties of his office ; and that the Trustees aforesaid may from time to time fill up all vacancies in the said corporation, by electing such persons for Trustees as they shall judge best : *Provided nevertheless*, That the number of said Trustees shall never exceed fifteen, nor be less than nine.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the Trustees of the said academy may have one common seal which they may change, break and renew at their pleasure ; and that all deeds signed and delivered by the Treasurer or Secretary of the Trustees aforesaid, by their order, and sealed with their seal, shall, when made in their name, be considered as their deeds, and as such be deemed duly executed and valid in law : And that the Trustees of the said academy may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Dummer Academy* in the county of *Essex*.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the Trustees of the said academy shall have full power and authority to determine at what times and places their meetings shall be holden ; and upon the manner of notifying the Trustees to convene at such meetings ; and also upon the method of electing or removing Trustees : And the said Trustees shall have full power and authority to ascertain and prescribe from time to time the powers and duties of their several officers, and to elect such preceptors, masters and ushers of the said academy as they shall judge best ; and to determine the duties and tenures of the several offices ; and to make and ordain, as occasion shall require, reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth ; with reasonable penalties for the good government of the said academy ; and for ascertaining the qualifications of the students, requisite to their admission ; and the same rules, orders and by-laws at their pleasure, to repeal.

SECT. 6. *Provided nevertheless*, That no corporate business shall be transacted by the Trustees of the said academy, at any of their meetings, unless seven of the Trustees, at the least, are present.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the rents, issues and profits of all the estate, real and personal, of which the Trustees aforesaid shall be seized or possessed in their said capacity, shall be by them appropriated to the establishment and endowment of *Dummer Academy*, by maintaining and supporting masters and teachers, for the promotion of piety and virtue ; and for the instruction of youth in writing,

such officers as said Trustees shall judge best.

Said Trustees to have one common seal and to renew said seal, and to sue and be sued.

Trustees empowered to fix the times and places for their meetings.

Empowered to ascertain the powers and duties of their several officers, and to elect preceptors, &c.

Provide.

Rents, &c. to be appropriated to the establishment of Dummer Academy.

writing, and in the Latin and Greek languages; and in such of the useful and liberal arts and sciences as the Trustees shall hereafter direct.

*Proviso.*

SECT. 8. *Provided nevertheless*, That the said academy shall be fixed and remain in the same place where the late Honorable *William Dummer*, Esq. fixed his free school in his last will and testament. *And provided further*, That *Samuel Moody*, Esq. the present preceptor of the Latin and Greek languages, in the said free school, be continued preceptor of the said academy; that he receive from the said Trustees, the rents, issues and profits of the estate devised as aforesaid, by the said *William Dummer*, Esq. for the endowment of his free school, or an equivalent therefor; and that he enjoy, so long as he continues preceptor of the said academy, all the powers and authority he is invested with as preceptor of the said school, under the last will and testament aforesaid; and that he be removable in the same manner, for the same causes, and by the same authority as are described and directed in the same last will and testament.

In case the rents shall cease to be appropriated.

SECT. 9. *And be it further enacted by the authority aforesaid*, That whenever the rents, issues and profits of the estate devised as aforesaid, by the late *William Dummer*, Esq. shall for the space of two years together, cease to be appropriated to the endowment and support of the said academy, that then the same estate so devised, shall revert to the right heirs of the said *William Dummer*, Esq. and their heirs forever. And whenever the rents, issues, profits and interest of any other estate holden by or in possession of the said Trustees, shall cease to be appropriated to the uses aforesaid, for the like space of time, then the same estate shall enure to the use and benefit of the corporation of *Harvard College*, and their successors forever; unless other provision shall be made by the donor or grantor, in the instrument of conveyance.

Hon. Jeremiah Powell, Esq. empowered to call the first meeting.

SECT. 10. *And be it further enacted*, That the Honorable *Jeremiah Powell*, Esq. be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to certify them thereof.

[This Act passed October 3, 1782.]

An ACT for confirming certain Lands, lying in the County of York, to certain Persons claiming the same, under *William Phillips* and *Bridget Phillips*.

*Preamble.*

WHEREAS some doubts have arisen what estates said claimants have in the lands herein after described, and the interposition of the legislature is found necessary to remove the same: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That

That the lands contained within the limits or boundaries following, (except the tract of land called *Coxhall*, and also all lands within those limits heretofore laid out by virtue of grants regularly made by the General Court) be, and they hereby are confirmed to the proprietors claiming and holding the same under *William Phillips* and *Bridget Phillips*, their heirs and assigns, viz. Beginning at the north corner of *Sandford*, which corner may be ascertained by a line running southwest, and northeast, through a certain small pond, called *Beaver-Hill Pond*; and from the said north corner of *Sandford*, thus ascertained, to run northwest, about eight miles, to *Little Ossipee River*; then by said river, including half of the same as the said river runs, to *Saco River*; then by said *Saco River* to the head line of *Biddeford*; then by the head lines of the towns of *Biddeford* and *Arundel* to the east corner of said *Sandford*, as it was originally incorporated; then by said *Sandford*, as it was originally laid out by the name of *Phillips Town*, to the north corner thereof, being the boundary first mentioned.

Lands confirmed to the proprietors holding under William Phillips and Bridget Phillips, in the county of York.  
Boundaries.

SECT. 2. *Provided nevertheless*, And the foregoing confirmation is to be understood to be made upon the following conditions, viz. That the said proprietors shall on, or before the first day of *January* next, release and relinquish all further claims to the lands within the limits above confirmed to them, which were laid out by virtue of grants regularly made by the General Court; and also to all lands contained within the following limits, viz. Beginning at said north corner of *Sandford*, thence running northwest, about eight miles, to *Little Ossipee River*; then westerly by *Little Ossipee River*, to the pond called *Ossipee Pond*; then by said pond to the State of *New-Hampshire*; then southerly by *New-Hampshire* line to the westerly corner of *Lebanon*; then northeasterly by the head lines of *Lebanon* and *Sandford* to said north corner of *Sandford* aforesaid; and shall make and execute according to law, good and sufficient deed or deeds of release and quit-claim, according to the true intent and meaning of this Act, and to the acceptance of *Jedediah Preble*, Esq. and others, the Committee appointed by the General Court to examine the claims of said proprietors to said lands, who shall cause the same to be recorded by the Register of Deeds for the county of *York*, with the records for the said county, and then file the same in the Secretary's office, and also on condition that the said proprietors shall pay or cause to be paid to the said Committee the one half of their expenses in viewing and ascertaining the boundaries aforesaid, with the other boundaries mentioned in their report.

SECT. 3. *Provided also*, That nothing in this Act shall be so construed as to injure, defeat, or make void any right or claim, which the Commonwealth have, or may have, to any part of said lands, which belonged to certain persons called conspirators or absentees; any thing in this Act to the contrary notwithstanding.

SECT.

SECT. 4. *Also provided*, That nothing in the foregoing Act shall be construed to affect the property of either of the towns of *Biddeford* or *Arundel*.

[This Act passed *October 30, 1782.*]

An ACT for confirming certain Lands, in the County of *York*, to certain Persons claiming the same, under *Nicholas Shapleigh*.

Preamble.

WHEREAS certain persons acting as proprietors of lands under the title of *Nicholas Shapleigh*, supposing that they owned lands to the southward of *Little Offipee River*, and at considerable expense improved and settled a part thereof: Therefore,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the

Traet of land confirmed to persons claiming the same under Nicholas Shapleigh, in the county of York.

Boundaries.

tract of land contained within the following limits, be and hereby is granted and confirmed to said persons who have acted in proprietors' meeting, under the character and by the name of the proprietors claiming lands under *Nicholas Shapleigh*, late of *Kittery*, deceased, their heirs and assigns (excepting all lands within those limits heretofore laid out by virtue of grants made by the General Court) viz. Beginning seven hundred and eighty rods northwest from the north corner of *Sanford*, thence running south one thousand and seventy rods to *Sanford* head line; then west seven hundred and twenty rods; then south two hundred and fifty rods; then west nearly six miles to *Salmon Fall River*; then north by *Salmon Fall River*, and the line run by order of Governor *Belcher* in the year of our Lord one thousand seven hundred and forty-one, between *New-Hampshire* and the late *Province of Maine*, about ten miles to *Little Offipee Pond*; then by said pond and *Little Offipee River*, northeasterly, until it intersects a line drawn northwest from the north corner of *Sanford* aforesaid; then southeast to the first mentioned bounds, together with a small gore of land at the head of *Lebanon*, containing about three hundred acres, adjoining to a lot granted by the General Court to *Middlecot Cook*, Esq.; provided however, and upon condition, that the said proprietors shall, on or before the first day of *March* next, give sufficient security to the acceptance of *Jedediah Preble*, Esq. and others, the Committee appointed by the General Court to examine the claims of said proprietors to said lands, for the payment of *four hundred pounds* to the Treasurer of this Commonwealth, for the use thereof, on or before the tenth day of *October* next, with interest for the same till paid: And provided also, that the several lots in said tract before described, already appropriated to public uses, be truly reserved for those purposes; and also that the said proprietors pay to the Com-

Proviso.

mittee

mittee aforesaid, one half of their expenses in ascertaining the boundaries aforesaid, with other boundaries mentioned in their report.

[This Act passed October 30, 1782.]

An ACT for indemnifying all Persons except *Samuel Ely*, concerned in the late Disturbances in the County of *Hampshire*.

**W**HEREAS divers persons misled by misrepresentations erroneously judging of the measures of government, the necessity of taxes, and the expenses of a long and calamitous war, have been guilty of disturbances, riots and disorders in that county : And whereas by their petition and representations, they manifest their sincere regret for their past conduct in that behalf, and a disposition to return to their duty, submit to the laws, and to support government : And whereas government considering the frailties of men, feel a willingness to exercise every act of humanity, pardon and moderation towards men misguided by a few indigested ideas of liberty and freedom, as far as it is consistent with the happiness and welfare of the community : Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all riots, routs and unlawful assemblies, disorders and disturbances, committed, commanded, acted, done, or made within the said county of *Hampshire*, since the first day of *January* last, and before the tenth day of *August* last, and all rescues and breaches of the peace, assaults, batteries, and imprisonments whatsoever, be and hereby are pardoned, released, indemnified, discharged, and put into utter oblivion ; and that all and every person or persons, except *Samuel Ely*, acting, advising, or assisting, abetting and counselling the same, be and hereby are pardoned, released, acquitted indemnified and discharged from the same, and of and from all judgments, indictments, convictions, penalties and forfeitures therefor, had or given, or that might accrue for the same ; and that all indictments, convictions and forfeitures therefor, are hereby declared null and void.

All riots, &c. since the first day of *January* last, in the county of *Hampshire* pardoned.

Except *Samuel Ely*.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any person indicted or presented, or in any manner prosecuted, or that shall or may be hereafter indicted, presented, or in any manner prosecuted, except said *Samuel Ely*, for any of the offences by this Act pardoned, may plead the general issue, and give this Act in evidence, which shall be sufficient to acquit him.

Persons indicted, to plead the general issue, except *Samuel Ely*.

[This Act passed November 4, 1782.]

An ACT for discontinuing the Name of a Town in the County of *Hampshire*, formerly incorporated by the Name of *Murrayfield*, and calling the same *Chester*.

Preamble.

WHEREAS from the great similitude between the names of the said town called *Murrayfield* and a plantation called *Merryfield*, in this Commonwealth, many difficulties and inconveniences have arisen, and the inhabitants of the former pray that the name of the said town may be altered: Therefore,

Altering the name of *Murrayfield* to the name of *Chester*.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the land lying in the county of *Hampshire*, formerly incorporated into a town by the name of *Murrayfield*, shall no longer bear that name; but henceforth shall be called and known by the name of *Chester*, the afore said incorporating Act notwithstanding. And all officers in the said town shall hold and exercise their offices respectively, in the same manner as they would have done had not the name of the said town been altered.

[This Act passed February 21, 1783.]

An ACT for erecting a District in the County of *Middlesex*, by the Name of *Boxborough*.

Preamble.

WHEREAS a number of inhabitants, living in the extreme parts of the towns of *Stow*, *Harvard*, and *Littleton*, labour under many inconveniences by reason of their great distance from any place of public worship, and have requested this Court that they may be incorporated into a district, with all the privileges of a town, that of sending a Representative to the General Court excepted:

Boundaries.

SECT. 1. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a part of *Stow*, a part of *Harvard*, and a part of *Littleton*, all which are included within the boundaries following, viz. Beginning at the road southerly of *John Robbins's* buildings, and running southerly to *Acton* corner, three miles and ninety-two rods, to a heap of stones; from thence running southerly in *Acton* line, to a place called *Flag Hill*, being two miles, three quarters and ten rods, to a heap of stones; from thence westerly in *Stow* two miles and a quarter, to a stake and pillar of stones in the *Harvard* line; then running northerly through part of *Harvard*, to a white oak tree, by a causeway from thence to the place first set out from, be and hereby is incorporated into a district, by the name of *Boxborough*. And all the polls and estates that are included within the said boundaries, shall belong to the said district, except those of such of the inhabitants of that part set off from *Littleton*, as shall not within the term of twelve months from the passing this Act, return

return their names into the office of the Secretary of this Commonwealth, signifying their desire to become inhabitants of the said district.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said district be, and hereby is invested with all the powers, privileges and immunities that towns in this Commonwealth do or may enjoy (except the privilege of sending a Representative to the General Court) and the inhabitants of the said district shall have liberty from time to time to join with the town of *Stow*, in choosing a Representative, and shall be notified of the time and place of election, in like manner with the inhabitants of the said town of *Stow*, by a warrant from the Selectmen of the said town, directed to a Constable or Constables of the said district, requiring him or them to warn the inhabitants to attend the meeting at the time and place appointed: Which warrant shall be seasonably returned by the said Constable or Constables; and the Representative may be chosen indifferently from the said town or district: The pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax.

Investing said district with certain powers

SECT. 3. *And be it further enacted,* That *Jonathan Wood*, Esq. of *Stow*, be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant within the said district, requiring him to warn the inhabitants of the said district, qualified to vote in town affairs, to assemble at some suitable time and place in the said district, to choose such officers as towns and districts by law are required to choose in the month of *March* annually. *Provided nevertheless,* That the inhabitants of the said district shall pay their proportionable part of all such town, county and State taxes, as are already assessed by the said respective towns from which they are taken, and their proportionable part of all public debts due from the said towns; and also provide for the support of all the poor who were inhabitants within the said district before the passing of this Act, and shall be brought back for maintenance hereafter.

Jon<sup>a</sup>. Wood to call the first meeting.

Provide.

And whereas it is fit and necessary, that the whole of the said district should belong to one and the same county:

SECT. 4. *Be it therefore further enacted by the authority aforesaid,* That that part of the said district which is set off from the town of *Harvard*, in the county of *Worcester*, shall be, and hereby is annexed and set to the county of *Middlesex*. And the line established by this Act as the boundary betwixt the said town of *Harvard* and the said district, shall hereafter be the boundary line betwixt the said county of *Middlesex* and the said county of *Worcester*.

Annexing part of said district to the county of Middlesex.

[This Act passed February 25, 1783.]

An

An ACT for discontinuing the Name of a Town in the County of *Suffolk*, incorporated by the Name of *Stoughtonham*, and calling the same *Sharon*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said town of Stoughtonham, shall no longer bear that name, but henceforth shall be called and known by the name of Sharon; the aforesaid incorporating Act notwithstanding. And all officers in said town shall hold and exercise their respective offices in the same manner as they would have done had not the name of said town been altered.*

[This Act passed February 25, 1783.]

An ACT for annexing *Noah Wizzle*, with his Lands, within a certain Gore of Land, lying between the Towns of *Fitchburgh*, *Leominster* and *Westminster*, in the County of *Worcester*, unto the Town of *Fitchburgh*.

Preamble.

**W**HEREAS *Noah Wizzle* hath requested of this Court to be annexed unto *Fitchburgh*; and it appears to be of public utility that his request should be granted:

Annexing *Noah Wizzle's* lands to the town of *Fitchburgh*.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Noah Wizzle, with his lands, situate in a gore of land, lying between the towns of Fitchburgh, Leominster and Westminster, in the county of Worcester, be, and hereby is annexed unto the town of Fitchburgh: And that in future the said Wizzle shall be entitled to all the privileges and immunities with the inhabitants of the said Fitchburgh, and subjected to duties as an inhabitant of the said town.*

Proviso.

SECT. 2. *Provided always, That the said Wizzle shall be holden to pay any taxes already legally assessed on him by the town of Westminster; any thing in this Act to the contrary notwithstanding.*

[This Act passed February 26, 1783.]

Acts . 1706,  
1715, 1719,  
1780, repealed  
June 19, 1801.

An ACT in Addition to the several Acts already made for the prudent Storage of Gun-Powder within the Town of *Boston*.

Preamble.

**W**HEREAS the depositing of loaded arms in the houses of the town of *Boston*, is dangerous to the lives of those who are disposed to exert themselves when a fire happens to break out in the said town:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That*



That if any person shall take into any dwelling-house, stable, barn, out-house, ware-house, store, shop, or other building, within the town of *Boston*, any canon, swivel, mortar, howitzer, cohorn, or fire-arm, loaded with, or having gun-powder in the same, or shall receive into any dwelling-house, stable, barn, out-house, store, ware-house, shop, or other building, within the said town, any bomb, granade, or other iron shell, charged with, or having gun-powder in the same, such person shall forfeit and pay the sum of *ten pounds*, to be recovered at the suit of the Firewards of the said town, in an action of debt, before any Court proper to try the same; one moiety thereof to the use of the said Firewards, and the other moiety to the support of the poor of the town of *Boston*.

Persons prohibited taking into their dwellings, &c. any piece of ordnance loaded with gun-powder.

Penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all canon, swivels, mortars, howitzers, cohorn, fire-arms, bombs, grenades, and iron shells of any kind, that shall be found in any dwelling-house, out-house, stable, barn, store, ware-house, shop, or other building, charged with, or having in them any gun-powder, shall be liable to be seized by either of the Firewards of the said town: And upon complaint made by the said Firewards to the Court of Common Pleas, of such cannon, swivels, mortars, or howitzers, being so found, the Court shall proceed to try the merits of such complaint by a jury; and if the jury shall find such complaint supported, such cannon, swivel, mortar, or howitzer, shall be adjudged forfeit, and be sold at public auction; and one half of the proceeds thereof shall be disposed of to the Firewards, and the other half to the use of the poor of the town of *Boston*. And when any fire-arms, or any bomb, granade, or other shell, shall be found in any house, out-house, barn, stable, store, ware-house, shop, or other building, so charged, or having gun-powder in the same, the same shall be liable to be seized in manner aforesaid; and on complaint thereof, made and supported before a Justice of the Peace, shall be sold and disposed of as is above provided for cannon.

Piece of ordnance charged with gun-powder found in any dwelling-house, &c. liable to be seized.

How disposed of in cases of forfeitures.

SECT. 3. *Be it further enacted,* That appeals shall be allowed in prosecutions upon this Act, as is usual in other cases.

Appeals allowed.

[This Act passed March 1, 1783.]

An ACT for setting off *David Parker* from the District of *Carlisle*, and annexing him to the Town of *Chelmsford*.

WHEREAS by the Act for incorporating the district of *Carlisle*, in the county of *Middlesex*, *David Parker* was set to the said district, which is found to operate to his great injury and inconvenience:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

same,

Boundaries.

*same*, That the said *David Parker*, and his buildings, and so much of his lands which were taken into the said district of *Carlisle*, by the aforesaid Act, as shall fall to the north of a right line, beginning at a heap of stones where the corners of the towns of *Chelmsford* and *Westford*, and of the said district of *Carlisle* meet; and from thence running to the corner of a certain stone wall, where the corners of the towns of *Chelmsford* and *Billerica*, and of the said district of *Carlisle* meet, shall be, and hereby are set off from the said district of *Carlisle*, and annexed to the said town of *Chelmsford*; and shall forever hereafter be considered as part of the same: Any thing in the aforesaid Act contained to the contrary notwithstanding.

Proviso.

SECT. 2. *Provided nevertheless*, That the said *David Parker* shall pay all such taxes as are already assessed upon him by the said district of *Carlisle*.

[This Act passed March 1, 1783.]

Additional Act  
June 17, 1797.

An ACT to incorporate the Congregational Society, in the Town of *Norton*, into a distinct Parish; and also to incorporate a Committee of the said Society for certain purposes.

Preamble.

**W**HEREAS the Congregational society in the town of *Norton*, of which the Reverend *Joseph Palmer* is the present minister, have represented to this Court that the said society are possessed of a sum of money and securities, to the amount of *four hundred and twenty-five pounds*, which they desire to improve to the purpose of beginning and laying a foundation for a fund, the interest whereof to be appropriated to support a learned, pious, Protestant Congregational minister in the said society forever, and for building or repairing a meeting-house in said society; and have supplicated this Court by a law, to invest the said society with all the powers, privileges, and immunities that precincts or parishes in this Commonwealth do or may enjoy: And also that certain persons, by them, the said society elected and named, may be made a body corporate, with sufficient powers to receive the aforesaid sum and other donations that are or shall be made for the purposes aforesaid, and for the well-ordering the same:

Society in Norton  
incorporated into a distinct parish.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Congregational society in the town of *Norton*, in the county of *Bristol*, where the Reverend *Joseph Palmer* now officiates, be, and they hereby are incorporated into a distinct parish, by the name of *The Congregational Parish in Norton*, and hereby are invested with all the powers, privileges and immunities, that precincts or parishes within this Commonwealth do or may by law enjoy,

And

And that it may be known at any time, who of the inhabitants of the said town belong to the said parish :

SECT. 2. *Be it enacted by the authority aforesaid,* That all those inhabitants of the said *Norton*, who usually attend public worship with the aforesaid society, shall be deemed and taken to belong to the said parish to all intents and purposes, until they shall signify in writing, under their hands, to the Clerk of the said parish, their intention to attend public worship with some other religious society, and shall actually attend. *Provided nevertheless,* That all parishioners, so removing, shall be held to pay all arrears of taxes legally assessed on them by the said parish before their removal.

Inhabitants usually attending public worship to be deemed belonging to said parish—  
Until—  
Provido.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *George Leonard*, Esq. be, and he hereby is fully authorized to issue his warrant, directed to some principal inhabitant belonging to the said parish, requiring him to give notice to the inhabitants of the parish aforesaid, qualified to vote in parish affairs, to assemble at some suitable time and place in the said parish, to choose all such officers as parishes are by law required to choose in the month of *March* annually ; and to transact such other matters and business as is necessary to be done in the said parish.

*George Leonard*, Esq. to call the first meeting.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *George Leonard*, *William Holmes*, *Daniel Dean*, *Isaac Hodges* and *Israel Trow*, chosen, elected and named, by the said society for that purpose, and their successors hereafter chosen by the parish aforesaid, in the manner as in and by this Act is hereafter provided, shall be, and hereby are declared to be a body corporate, by the name of *The Trustees of the Congregational Parish in Norton*, and hereby are incorporated to this special purpose, viz. To receive all the donations, subscriptions, securities and monies, now in the hands of the said society, and also such grants, appropriations, and donations, either real or personal, that have been or shall hereafter be made for the purposes aforesaid ; provided the whole sum do not exceed the sum of *three thousand pounds*. And all such sum or sums as shall be received by the aforesaid present Trustees, or their successors in the said trust, shall be and hereby are appropriated to raise an income by the annual interest arising therefrom for the purpose aforesaid.

*George Leonard*, Esq. and others, elected by said society to be a corporate body.

Their powers.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all bonds, mortgages, or other lawful securities, made to the said *George Leonard*, *William Holmes*, *Daniel Dean*, *Isaac Hodges*, and *Israel Trow*, and their successors in the said trust, are hereby declared good and valid : And the said Trustees and their successors, by their said corporate name, may sue and be sued, and are hereby fully authorized by themselves, or by their agents or attorneys, to appear, plead and defend, in any action or suit brought by or against them, in their said capacity, and

Bonds, &c. made to the Trustees to be good and valid.  
The Trustees to sue and be sued.

and the same prosecute to final judgment and execution, in any Court proper to try and determine the same.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the aforesaid sum of *four hundred and twenty-five pounds*, and all such further sum or sums as may hereafter be annexed thereto, shall be by the said Trustees put to interest; and the annual interest arising thereon, shall be further put to interest, and so from year to year, until a capital shall be raised, the annual interest whereof shall be sufficient to support a minister as aforesaid: And then the annual interest of the said increased capital, or so much thereof as the said corporation shall find necessary, shall forever after be paid to such minister resident and officiating in the work of the ministry among said society, within said town. And if it shall ever happen that there be no such minister settled within the said society, then in every such case the interest arising in such vacation shall be improved to supply the said society with preaching. And if there shall be any surplussage it shall be put to interest on new securities, and added to the said capital, and improved for the building or repairing a meeting-house for the said society; and all such increased sum or sums shall be ordered and disposed of by the said Trustees, according to the directions herein before provided respecting the said capital.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if at any time the income arising by the annual interest of the fund aforesaid, shall be more than sufficient for the purposes aforesaid; in that case all such surplus shall and hereby is specially appropriated, and shall be improved by the parish aforesaid, towards the support and maintenance of a school for the benefit of said society.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said parish, at their annual meeting in *March*, from time to time be, and hereby are fully authorized to choose five Trustees for the year ensuing.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if at any time the said parish shall at their annual meeting in *March*, neglect or by any means be prevented choosing Trustees; in every such case the Trustees last chosen shall continue vested with all the powers and privileges aforesaid, until others be chosen.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said Trustees, and their successors, from time to time, shall be accountable to the said parish, and may be by them for any misdemeanor or failure in their said trust removed therefrom; in which case, and also in case of death or other removal of any one or more of them, it shall and may be lawful for the said parish to appoint others in their room. And the said parish may at any time call a meeting for that purpose accordingly.

[This Act passed *March 4, 1783.*]

An ACT for erecting certain Lands, hereafter described, into a Town, by the Name of *Middlefield*; and annexing the whole to the County of *Hampshire*.

**W**HEREAS the inhabitants of the southwest corner of *Preamble*.  
*Worthington*, in the county of *Hampshire*, and the northwest corner of *Murrayfield*, (now *Chester*) in the said county, and the northeast corner of *Becket*, the south side of *Patridgefield*, a part of *Washington*, and the inhabitants of *Prescott's Grant*, (so called) all in the county of *Berkshire*, have represented to this Court the great difficulties and inconveniencies they labour under in their present situation; and have requested that they may be incorporated into a town:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said southwest corner of *Worthington*, in the county of *Hampshire*, and northwest corner of *Chester*, in the same county, and the northeast corner of *Becket*, the south side of *Patridgefield*, a part of *Washington*, and the lands called *Prescott's Grants*, all in the county of *Berkshire*, and bounded as follows, viz. Beginning at an hemlock tree, standing on the river in *Becket*, directly south from the southwest corner of the said *Prescott's Grants*; thence running north one thousand rods, to a beach tree; then north twelve degrees east to the north side of the first square in *Patridgefield*, to a stake and stones; thence south seventy degrees east nine hundred rods to a stake and stones; thence north one hundred and forty rods; then east six hundred rods to the river at an hemlock tree, a west point from *Worthington* meeting-house; thence down the said river to the place where the same crosses *Worthington* south line, at an heart-beam tree; thence west thirty-five degrees south, nine hundred and forty rods to the place where the said river crosses *Becket* east line; thence up the said river to the first mentioned bound, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of *Middlefield*. And that the said town be, and hereby is vested with all the powers, privileges and immunities which the towns within this Commonwealth do or may enjoy, by the constitution or laws of the same; and the whole of the said town of *Middlefield* shall forever hereafter be considered as a part of the county of *Hampshire*. Boundaries.

SECT. 2. *And be it further enacted*, That *John Kirkland, Esq.* John Kirkland, Esq. be, and he is hereby empowered to issue his warrant to some principal inhabitant within the said town of *Middlefield*, requiring him to warn the inhabitants of the said town qualified to vote in town affairs, to assemble at some suitable time and place within the said town, for the purpose of choosing such officers as are necessary to manage the affairs of the said town. Esq. to call the first meeting.

SECT. 3. *Provided nevertheless*, That the inhabitants of the said town of *Middlefield* shall pay their proportionable part of such town, county, State and other taxes as are already assessed on Proviso.

on them by the respective towns to which they have belonged, and of all public debts and duties which may be due and owing from the said town, until a tax shall be laid by the General Court upon the said town hereby incorporated.

[This Act passed *March 12, 1783.*]

Additional Act  
Jan. 29, 1799.

An ACT for confirming the Records of the Proprietors of a Plantation called *Bridgeton*.

Preamble.

**W**HEREAS the book of records of the proprietors of a plantation called *Bridgeton*, wherein were recorded the bounds of the several lots laid out therein, the names of the persons by whom they were respectively drawn, and all public votes and transactions of said proprietors, in carrying forward the settlement of said plantation, on the night of the second day of *October*, one thousand seven hundred and eighty, was consumed by fire, by means whereof great loss and damage may ensue to individuals unless prevented by the legislature :

Copy of the  
records.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the copy of the said records, containing a list or schedule of the particular bounds of the several lots laid out in said plantation, and the names of the original owners thereof, with the numbers of the rights and lots drawn for them respectively, as well as for *Harvard College* and other public uses ; which copy was accepted by the said proprietors, at a legal meeting notified for that purpose, and held by adjournment, on the thirteenth day of *June*, one thousand seven hundred and eighty-one : And that the copy of the proceedings of *John Farnum*, *Moody Bridges*, and *Benjamin Stevens, jun.* a Committee of the said proprietors, to make sale of the lands of delinquent proprietors ; and that another copy of the proceedings of another Committee of the said proprietors, who were afterwards appointed by them for the purpose last mentioned, which is signed by *Reuben Burnam* and *Enoch Perley*, (both which last mentioned copies the before-named Committees have respectively sworn to be true, according to the best remembrance, before two Justices of the Peace quorum unus) shall be received as true copies of their original record, and avail in the same manner as the said original might have done.

Copy of the  
proceedings of  
*John Farnum*  
and others.

To be received  
as true copies  
of their original  
record.

Declaration of  
certain votes,  
&c. of the proprietors  
to be good and valid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That a declaration of certain votes and proceedings of the said proprietors, which is made in a petition to this Court, signed by *Benjamin Kimball*, *Jacob Stevens*, and *Enoch Perley*, a Committee of the said proprietors, as well as the copies beforementioned (all which are on file in the Secretary's office) shall be held to be good and valid in law, to all the purposes for which the original records of the said proprietors might or would have been, had not the same been burnt.

[This Act passed *March 13, 1783.*]

An

An ACT for establishing and confirming a certain Instrument, as the Last Will and Testament of *Nicholas Gardner*.

**W**HEREAS it appears to this Court that *Nicholas Gardner*, Preamble. of *Boston*, in the County of *Suffolk*, being mortally wounded by the enemy, did, on the thirteenth day of *June*, in the year one thousand seven hundred and eighty-two, make and sign a certain Instrument in writing, which he intended for his last Will and Testament; but from the peculiar circumstances he was then under, and from want of council to advise him in the forms and requisites by the laws of this Commonwealth prescribed for the executing of Wills, and Testaments, the said *Nicholas* caused the said Instrument to be witnessed by only two persons: and whereas the said Instrument appears to have been agreeable to the intention of the said *Nicholas* at the time of his death, and in all respects, except the witnessing of the same, conformable to law:

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Instrument be, and hereby is established and confirmed as the Last Will and Testament of the said Nicholas Gardner, Will of Nicholas Gardner confirmed. and made valid and binding upon all persons concerned therein; and the Judge of Probate of Wills, for the county of Suffolk, is hereby directed to proceed thereon in the same manner as though the same had been executed according to law; the execution thereof being attested by only two witnesses notwithstanding.*

[This Act passed *March 19, 1783.*]

An ACT to empower the Corporation of *Harvard College* to make a legal Conveyance of a certain Lot of Land, being the Property of the said College.

**W**HEREAS *John Peabody* has made application to the Preamble. Legislature to empower the corporation of *Harvard College* to make him a lawful deed of certain land belonging to the said College; which land, it appears, the Corporation and Overseers of the said College have agreed shall be conveyed to the said *Peabody*, on certain conditions:

SECT. I. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Corporation of Harvard College, be, and they hereby are empowered to make and execute to John Peabody, his heirs and assigns, a good and lawful deed of the lot of land, Number Two, in the twenty-fourth range in the plantation called Bridgeton, on his, the said Peabody's performing the conditions which by the said Corporation and Overseers have been required of him; and a formal deed of the said lot of land that shall be made*

Corporation of Harvard College to execute a deed of a lot of land to J. Peabody.

and executed by the President and Fellows of *Harvard College*, or in such manner as they shall direct, shall be forever held to be good and valid in law.

[This Act passed *March 20, 1783.*]

Additional Act  
June 17, 1788.

An ACT for incorporating a Number of the Inhabitants of the Town of *Amherst*, in the County of *Hampshire*, into a separate Parish, by the Name of the Second Parish in the Town of *Amherst*.

Preamble.

**W**HEREAS a number of the inhabitants of the town of *Amherst*, in the said county, herein after named, have petitioned this Court to be incorporated into a separate parish, for reasons set forth in their petition :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said petitioners, viz. Nathan Dickinson, Moses Dickinson, John Billing, John Dickinson, Joseph Eastman, Ebenezer Mattoon, Timothy Green, Pelatiah Smith, Ebenezer Dickinson, Noah Dickinson, Hezekiah Belding, Ebenezer Williams, Henry Franklin, John Robins, Jacob Warner, Abijah Williams, Joseph Robins, James Mirick, second, Azariah Dickinson, John Ingraham, Andrew Kimball, Samuel Henry, Nathan Perkins, Noabdiab Lewis, Noah Hawley, Ebenezer Dickinson, third, Joseph Morton, Oliver Clapp, Lemuel Mordy, Giles Church, Ebenezer Eastman, Nathan Dickinson, jun. Nathaniel Dickinson, second, Gideon Moore, Stephen Cole, Waitstill Dickinson, Thomas Marshall, Amariah Dana, John Eastman, Joseph Dickinson, David Corvols, David Rich, Simeon Corvols, Benannet Leach, Elibu Dickinson, Abner Adams, Joseph Eastman, jun. Reuben Ingraham, Samuel Ingraham, Reuben Dickinson, Clement Marshall, Thomas Morton, Reuben Dickinson, jun. Ebenezer Dickinson, second, Ebenezer Mattoon, jun. Amos Ayres, Aaron Billing, Justus Williams, Adam Rice, Gideon Lee, Jacob Warner, jun. Solomon Dickinson, Levi Dickinson, Asa Dickinson, Ebenezer Ingraham, Nathan Perkins, jun. Eli Putnam, Zimri Dickinson, Joseph Williams, David Blodget, jun. Phineas Allen, Simeon Dickinson, and Gad Dickinson, together with their estates, which they now have, or may hereafter have and possess, in their own right, in the said town of Amherst, be, and hereby are incorporated into a separate parish, by the name of the second parish in the town of Amherst.*

Inhabitants vested with certain powers.

SECT. 2. *And be it further enacted by the authority aforesaid, That the inhabitants of the said parish be, and hereby are vested, with all the privileges, powers and immunities, which parishes by the laws of this Commonwealth, are vested withal.*

Eben. Mattoon Esq. empowered to call a meeting.

SECT. 4. *And be it further enacted, That Ebenezer Mattoon, Esq. be, and hereby is empowered, to issue his warrant, directed to some one principal inhabitant of the parish aforesaid, requiring*



quiring him to warn a meeting of the inhabitants of the said parish, by law qualified to vote in parish affairs, to assemble at some proper time and place within the said parish, to be expressed in the same warrant, to choose such officers as are necessary to manage the affairs of the said parish, according to the powers and authority given by this act; and the inhabitants qualified by law to vote, being so assembled, shall be, and hereby are empowered, to choose such officers accordingly.

And be it further enacted, That any other inhabitant of the town of *Amherst* shall have liberty to join himself to the said second parish, who shall, within three months from the date hereof, declare such his intention, by leaving a certificate with the Secretary of this Commonwealth.

Persons living  
in said town to  
have their  
choice.

[This Act passed June 19, 1783.]

An ACT for incorporating the Proprietors of *Mattakesset-Creeks* (so called) in the town of *Edgartown*, in the County of *Duke's County*, into a Body Politic, by the Name of the Proprietors of *Mattakesset-Creeks*; and also for the regulating and better improving the Low-Grounds and Meadows adjoining the said Creeks and *Great Pond* (so called) in the said Town.

**W**HEREAS the proprietors of the town of *Edgartown*, in the county of *Duke's County*, did formerly grant the privilege of the fishery in *Mattakesset-Creeks*, in the said town, unto *John Butler, Enoch Coffin, Benjamin Smith, John Pease, Thomas Vinson, Brotherton Dagget, Timothy Dagget, Tristram Coffin, Gershom Dunham, and John Stuart*, their heirs and assigns forever, together with such others as should from time to time be taken in with them: And whereas they, their heirs, assigns and associates, have been at considerable labour and expense in digging and keeping open a water passage for the fish called alewives, and other fish, from the sea into the pond called the great-pond, being wholly within the bounds of the said town of *Edgartown*: And whereas the present owners and proprietors of the said fishery have represented to this Court, that their being incorporated into a body politic would remedy many inconveniences to which they are otherwise subject, and as it seems but reasonable and just that the present owners and proprietors of the said fishery should be vested with power to order, manage and regulate the same:

SECT. I. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the present owners and proprietors of the said *Mattakesset-Creeks* be, and they are hereby incorporated into a body politic, for the purpose aforesaid, under the name of the proprietors of *Mattakesset-Creeks*, in *Edgartown*.

Owners and  
proprietors of  
*Mattakesset*  
*Creeks* incor-  
porated.

SECT.

**In what manner meetings are to be called.** SECT. 2. *And be it further enacted by the authority aforesaid,* That when, and so often as the said proprietors shall judge a proprietors-meeting necessary, five of them applying to a Justice of the Peace within the said county, the said Justice is hereby authorized and empowered to grant a warrant for calling the same, directed to one of the principal proprietors, to be posted up in some public place or places in the said town, fourteen days at least before the time appointed for holding such meeting, thereby signifying the time, place, and business thereof; and the major part of the proprietors so assembled, shall have full power to agree upon any other way or manner for calling meetings for the future, and also to choose a Clerk, and all other necessary officers, who shall be sworn to the faithful discharge of their respective trusts.

**Proprietors empowered to agree upon all necessary rules, orders, &c.** SECT. 3. *And be it further enacted by the authority aforesaid,* That the said proprietors, or the major part of them, in any legal meeting called therefor, may, and they are hereby authorized and empowered, from time to time, to make and agree upon such necessary rules, orders and by-laws, for the directing and ordering and managing the prudential affairs of the said proprietors, as they shall judge most conducing to the peace, **To annex penalties.** good order and welfare of the same, and to annex penalties for the observance of the same, not exceeding twenty shillings for each offence, provided that they be not repugnant to the laws of this Commonwealth; and the penalties for the **How recovered.** breach of any of them by any of the said proprietors, to be recovered by action of debt, before some Justice of the Peace in the said county, not being a proprietor, one moiety thereof to him or them who shall sue for the same, and the other moiety to the poor of the said town.

**Persons prohibited to set any seine, &c. without leave.** SECT. 4. *And be it further enacted,* That no person or persons shall, on any pretence whatsoever (without liberty first obtained of the major part of the said proprietors, in a meeting called for that purpose) presume to set, draw, or stretch any seine or dragnet, or set up any weirs, or make use of any other fishing engine, in any part of the said creeks or ponds adjacent on the said great-pond, where the fish usually cast their spawn, or at or near the mouth of the said creeks, so as to take or obstruct the alewives or other fish that pass up or down the said creeks, on **Penalty.** penalty of *five pounds* for each offence, to be recovered of every person thus offending, by action of debt, in any Court proper to try the same, one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the poor of the said town.

**Preamble.** And whereas there are divers tracts of low-grounds and meadows adjoining the creeks and great-pond aforesaid, which low-grounds and meadows are owned by divers persons who are differently affected by the draining the water off from the said great-pond,

great-pond, and several smaller ponds adjacent to the aforefaid creeks ; and as application has been made to this Court by the proprietors of the faid creeks and the low-grounds and meadows affected thereby : Wherefore, for the appointment of Commissioners of sewers for the better ordering and regulating the fame,

SECT. 5. *Be it further enacted*, That the Governor, with the advice of Council, be, and hereby is empowered, from time to time, at the request of the major part of the faid proprietors, to appoint three able and discreet persons to be Commissioners of sewers, whose business it shall be to meet and convene together from time to time, as occasion may require, and view the premises, and determine by what ways and means, at what times, and to what particular depth, the water shall be drained from off the great-pond aforefaid, having particular regard as well to the low-grounds and meadows adjoining the great-pond and creeks aforefaid, as to the fishery in the faid creeks, and to determine according to the value and importance, and the advantages and benefits arising from each.

Governor and Council empowered to appoint Commissioners of sewers.

SECT. 6. *And be it further enacted by the authority aforefaid*, That the faid Commissioners shall determine what part or proportion of labour or expence the proprietors of the faid low-grounds and meadows, and the proprietors of the faid creeks, respectively, shall be at, in digging and keeping open the faid creeks, or any other necessary expence arising from the same ; and if by any order or procedure of the faid Commissioners for the mutual benefit, it should so happen, that any individual should be damaged in his lands or propriety, the damage so done shall be recompensed by such proprietors as the faid Commissioners shall order, having regard to each one's interest therein, or as shall be ordered by the Court of General Sessions of the Peace in the faid county, upon inquiry into the same by a jury summoned for that purpose ; and in all other matters respecting the premises, the faid Commissioners shall proceed agreeable to the laws of this Commonwealth, already made and provided for the direction of Commissioners of sewers.

Commissioners to apportion the expence.

In case.

Commissioners to proceed agreeable to law.

[This Act passed June 24, 1783.]

An ACT to incorporate the East Parish of *South-Brimfield*, in the County of *Hampshire*, into a District by the Name of *Holland*,

Additional Act, Feb. 3. 1796.

**W**HEREAS the inhabitants of the east-parish in the faid *South-Brimfield*, have represented to this Court the many inconveniences they labour under, arising from their connexion with the faid *South Brimfield* : For the remedy thereof,

Preamble.

SECT. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the lands and inhabitants of *South-Brimfield* aforefaid, lying

South Brimfield east parish incorporated into a district by the name of Holland, and vested with certain powers.

lying and being on the east side of the county road leading from *Brimfield* to *Union*, in the State of *Connecticut*, called and known by the South-Meadow road there; be, and hereby are incorporated into a district by the name of *Holland*, and invested with all the powers, privileges and immunities that districts in this Commonwealth are entitled to according to law, or do or may enjoy.

Abner Morgan Esq. empowered to call the first meeting.

SECT. 2. *And it is further enacted by the authority aforesaid*, That *Abner Morgan of Brimfield, Esq.* be, and he hereby is empowered and required to issue his warrant, directed to some principal inhabitant within the said district of *Holland*, directing him to warn the inhabitants of the said district, qualified to vote in town affairs, to assemble at some convenient time and place in the same district, to choose all such town officers as by law are to be chosen annually in the month of *March*.

Inhabitants to pay their proportionable part of their taxes until.

SECT. 3. *Provided nevertheless*, The inhabitants of the said district of *Holland* shall pay their proportionable part of all such town, county and State taxes, as are already or may hereafter be assessed on the town of *South-Brimfield*, aforesaid, until the said district of *Holland* and the said town of *South-Brimfield*, by their Selectmen or otherwise, shall agree upon the proportion of public taxes the said district of *Holland* and the said town of *South-Brimfield*, shall respectively pay, and until the General Court shall lay a tax upon the said district of *Holland*.

Inhabitants entitled to receive their proportion of arms, ammunition, &c.

SECT. 4. *And it is further enacted by the authority aforesaid*, That the inhabitants of the said district of *Holland* be entitled, and they hereby are enabled, to demand and receive of the said town of *South-Brimfield*, their just proportion of arms and ammunition and town stores, and of all public monies that have been assessed or collected for schooling or otherwise, for the public use of the said town of *South-Brimfield*, and have not been expended for the purposes designed.

Selectmen of South Brimfield to give notice relative to the choice of a Representative.

SECT. 5. *And it is further enacted*, That the Selectmen of the said *South-Brimfield*, fifteen days at least before the time of choosing a Representative for the said town, shall give notice of the time and place by them ordered for that purpose, to the Selectmen of the said district of *Holland*, in writing under their hands, to the intent the Selectmen of the said district may issue their warrant to the Constable or Constables of the said district to warn the inhabitants thereof to meet with the said town of *South Brimfield*, at time and place so appointed for the choice of a Representative.

[This Act passed July 5, 1783.]

An ACT to empower the Proprietors of the Meeting-House in the East Parish in Salem, to raise Money by a Tax on the Pews and Seats in the said Meeting-House, to support a Colleague to their present Minister, and making Provision for the Dissolution of the said Parish.

Explanatory  
Act, Feb. 22,  
1790.

**W**HEREAS application has been made to this Court, by the proprietors of the meeting-house in the east parish in Salem, desiring that they may be empowered to raise money by taxes on the pews and seats in the said meeting-house, to enable them to procure and settle in the work of the ministry in the said meeting house, a colleague to their present Minister :

Preamble.

SECT. 1. *Be it hereby enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the said meeting-house be, and hereby are authorized and empowered, to raise by a tax on the pews and seats in the said meeting-house, such sum or sums as the said proprietors, at a legal meeting called for that purpose, shall agree upon, for the purpose of procuring and settling a colleague to their present Minister, and after the decease of their present Minister, for defraying the ministerial and all other charges incident thereto, and that the first and future meetings of the proprietors of the said meeting-house shall be called as directed in an act made in the year one thousand seven hundred and thirty-five, directing how meetings of proprietors in wharves or other real estate may be called, and at such meetings to choose all officers necessary to manage and transact all the business of the said propriety.

Proprietors  
empowered to  
tax pews, &c.

How meetings  
of proprietors  
are to be called.

SECT. 2. *And be it further enacted,* That the said pews and seats shall be taxed and pay towards the said charges according to their valuation, having respect to their conveniency and situation, which valuation shall be put thereon from time to time by the said proprietors, or their Committee, as may be found necessary ; and all such taxes or assessments shall become payable in thirty days from the time the Collector shall give notice thereof to the proprietor or owner of the pew or seat assessed ; and if such proprietor or owner shall not forthwith pay such tax or assessment, such proprietor or owner shall be liable to, and pay over and above the said tax or assessment, after the rate of six per cent. per annum thereon till paid, and if not paid in one year from such notice, the proprietors may, and they are hereby empowered, by themselves or their Committee, to sell or dispose of the pew or seat of such delinquent proprietor or owner, according to its valuation, and after deducting all taxes due thereon, and the said six per cent. per annum, from the time the same became payable, and the charges of sale, the overplus (if any) shall be paid to the person so delinquent.

Pews and seats  
to be taxed ac-  
cording to their  
valuation.

Taxes, when  
payable.

In case.

SECT.

When the parish shall cease, how the ministry is to be supported.

SECT. 3. *And be it further enacted*, That from and after the death of the present Minister of the said parish, the same shall cease to be a parish, and the ministry shall thereafter be supported within such parts of the said town of *Salem*, as constitute the said parish, by proprietorship, in the meeting-house or meeting-houses which is or may be therein, as in other parts of the said town of *Salem*.

Former laws declared null and void.

SECT. 4. *And be it further enacted*, That all former laws enabling the said parish to lay any tax on the pews or seats in the said meeting-house, be, and they are hereby declared null and void.

[This Act passed July 5, 1783.]

### An ACT for altering the Line between the Towns of *Stow* and *Marlborough*.

Preamble.

**W**HEREAS the towns of *Stow* and *Marlborough* have heretofore had a difference respecting the perambulating the line betwixt the said towns, by reason of a very crooked line, and to end all controversy have agreed to straighten the line : And whereas the said towns have petitioned this Court, and earnestly requested that the following line may be established for the future :

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in future the dividing line between the said towns shall be as follows, viz. Beginning at a heap of stones in *John Smith's* orchard, being a boundary of *Stow*, *Marlborough* and *Bolton* ; thence east, thirty degrees north, eighty-six rods, to a heap of stones, by the fence between the land of *John Woolley* and *Benjamin Whetcomb* ; thence east, thirty-one degrees south, four hundred and seventy-eight rods, to a heap of stones, near *Dunn's* chimnies ; thence south, four degrees east, one hundred and eight rods, to a heap of stones, an old boundary between the said towns ; thence east, twelve degrees north, one hundred and forty rods, to a white-oak tree marked, by the river ; thence by the river to where *Fewel's* brook empties into the river ; thence by the said brook to a ditch ; thence by the said ditch, running east, seven degrees south, fifty-six rods, to a white-oak tree marked ; then east, four degrees south, one hundred and fifty-eight rods, to a pine stump, and stones, northerly of *Ramshorn-Meadow*, (so called,) an old boundary betwixt the said towns ; thence east, twenty-six degrees south, four hundred and sixty rods, to a large pitch-pine tree marked, in *Sudbury* town line.

Inhabitants and lands on the north side to belong to the town of *Stow*.

SECT. 2. *And be it further enacted*, That all the inhabitants and lands therein, on the northerly side of the line aforesaid, shall be considered as belonging to the town of *Stow* ; and all the

the inhabitants and lands belonging to the said towns, on the southerly side of the said line, shall be considered as belonging to the town of *Marlborough*, any law to the contrary notwithstanding.

Those on the south to belong to the town of Marlborough.

SECT. 3. *Provided nevertheless*, The inhabitants of the said towns shall pay their proportionable part of all taxes which are already assessed upon them, to the respective towns to which they have belonged.

Proviso.

[This Act passed July 11, 1783.]

An ACT to incorporate the Second Parish in *Springfield*, called *Longmeadow*, into a Town by the Name of *Longmeadow*.

WHEREAS it is represented by the inhabitants of the said parish, that they labour under great burdens and inconveniences by reason of their situation, and the separate interests in the said town; and it appears to this Court to be expedient that the said parish be incorporated into a separate town:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the second parish in *Springfield*, called *Longmeadow*, in the county of *Hampshire*, and all that tract of land known by that name, and bounded as follows, *viz.* West on *Connecticut-River*, south on the towns of *Somers* and *Enfield*, east on *Wilbraham*, and north beginning at the mouth of *Pecousuck-Brook* (so called) and running east on the parish line to the town of *Wilbraham*, be, and hereby is incorporated into a town by the name of *Longmeadow*, with all the powers, privileges and immunities that towns within this Commonwealth have or do enjoy; and that the said town of *Longmeadow* pay its just proportion of public taxes assessed on the said town of *Springfield*, agreeable to the present valuation, and until a new valuation is taken, and bear its due proportion of the expense and charges towards the support of the present poor thereof, and pay its proportional part of the public debts now owed by the said town, and receive its share of public monies and debts now due to the said town, and the common stock thereof, in the same proportion that they paid to the last State tax assessed on the town of *Springfield*.

Boundaries.

Town of Longmeadow to pay their just proportion of taxes, until.

SECT. 2. *And be it further enacted*, That the Honorable *John Bliss*, Esq. be, and he is hereby empowered, to issue his warrant to some principal inhabitant of the said town of *Longmeadow*, requiring him to call a meeting of the said inhabitants, in order to choose such officers as by law towns are empowered to choose in the month of *March* annually.

Hon. John Bliss Esq. to call the first meeting.

[This Act passed October 13, 1783.]

An ACT for erecting the Southeasterly Part of the Town of *Warwick*, and a Tract of Land called *Ervingshire*, lying on the Northerly Side of *Miller's-River*, in the County of *Hampshire*, and the Northwesterly Part of the Town of *Athol*, and the Southwesterly Part of the Town of *Royalston*, in the County of *Worcester*, into a separate District, by the Name of *Orange*.

Preamble.

WHEREAS the inhabitants of the southeasterly part of the town of *Warwick*, a tract of land called *Ervingshire*, lying on the northerly side of *Miller's-River*, in the county of *Hampshire*, the northwesterly part of the town of *Athol*, and the southwesterly part of the town of *Royalston*, in the county of *Worcester*, have represented to this Court the difficulties they labour under in their present situation; and apprehending themselves of sufficient number and ability, request that they may be incorporated into a district:

Boundaries.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the south-easterly part of the town of Warwick, and a tract of land called Ervingshire, lying on the northerly side of Miller's-River, in the county of Hampshire, and the northwesterly part of the town of Athol, the southwesterly part of the town of Royalston, in the county of Worcester, bounded as follows, viz. Beginning on the west line of the town of Athol, at Miller's-River; thence on the said line to the road leading from Ruggles's farm to West-Hill, so called; thence bounding on the said road, including the same, to the county road leading from Athol to Warwick; thence easterly on the said road to the south line of Sherebiah Baker's land; thence on the said south line, and to extend the same course to Tully-River; thence northerly on the east branch of the said Tully-River, to Royalston line; thence east on the said Royalston line, to the southeast corner of lot number twenty-three; thence northerly on the east line of the same lot, and lot twenty-two, dividing lot number twenty-six; thence westerly on the south-end of lot number twenty; thence northerly on the east line of lot number six; thence westerly on the north line of the same lot; thence northerly on the westerly side of lot number nine; thence westerly on the south line of lot number eleven, to the west line of the said town of Royalston; thence northerly on the said town line, to the northeast corner of lot number forty-five, in the second division in Warwick; thence westerly on the north line of the same lot, to the northwest corner thereof; thence southerly to the northeast corner of lot number forty-one; thence westerly to the northwest corner of the same lot; thence southerly to the northeast corner of lot number thirty-four to the northwest corner of the same; thence southeast to the*  
northeast



northeast corner of lot number twenty-four; thence south to the northeast corner of lot number fifteen; thence south, including lot number thirteen, to *Warwick* south line; thence south, ten degrees west, across the land of *John Erving*, Esq. to *Miller's-River*; thence easterly on *Miller's-River*, to the bounds first mentioned; be, and hereby are erected into a district by the name of *Orange*; and the inhabitants thereof hereby are invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy, that of sending a Representative to the General Court only excepted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said district of *Orange* shall pay their proportion of all taxes already granted to be raised in the several towns from which they were respectively taken. District of Orange to pay their proportion of taxes already granted.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said district of *Orange* be, and are hereby obliged for the future to be at such a proportion of the expense of maintaining the two bridges over *Miller's* and the *Tully-Rivers* in the great road, as those inhabitants taken from *Athol* were set at in the last valuation made in the said town. The inhabitants of said district to pay their proportion of expenses in maintaining two bridges

SECT. 4. *And be it further enacted,* That in case *Aaron Smith* and his son, living on the same farm, shall at any time within one year return a certificate into the Secretary's office, of their desire to belong to the town of *Athol*, they with their estates shall be considered as belonging to the same. In case.

SECT. 5. *And it is further enacted,* That the said district may join with the town of *Warwick* in the choice of Representatives; and the Selectmen of the said town of *Warwick* shall give notice annually, under their hands, in writing, of the time and place of meeting, to the Clerk of the said district, ten days at the least before the holding the same; the Representative may be chosen indifferently from the said town or district; the pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax; and that the said district shall be considered as part of and to belong to the county of *Hampshire*. The district to join with the town of Warwick in the choice of Representatives.

SECT. 6. *And it is further enacted,* That *Samuel Williams*, Esq. be, and hereby is empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said district to assemble and meet, at some suitable time and place in the said district, to choose all such officers as towns by law are required to choose at their annual town-meeting in the month of *March*. Samuel Williams, Esq. to call the first meeting.

[This Act passed October 15, 1783.]

An ACT for ratifying and confirming an Agreement between the Towns of *Concord* and *Lincoln*, for the more convenient building and repairing the Bridges over the Great River in the said Towns.

Preamble.

**W**HEREAS in and by the Act of the General Court, passed in *April*, one thousand seven hundred and fifty-four, for incorporating the town of *Lincoln*, provision is made that the said town of *Lincoln* shall pay their proportion (agreeable to what the inhabitants taken off from the town of *Concord* by the act aforesaid, paid in the then last tax) of the charges of building and repairing a bridge or bridges over the great river in the aforesaid towns of *Concord* and *Lincoln* :

And whereas it appears to this Court that the aforesaid towns have entered into a mutual agreement, that for the future the town of *Concord* shall make and maintain the whole of the two lower bridges over the said river, with their several buttments, and twenty-one feet and nine inches of the westerly end of the most southerly bridge, with liberty of building the buttment at the said westerly end of the said bridge six feet and nine inches further into the river than the present, and build and maintain an arch fifteen feet long ; which is to be considered as the full of *Concord's* part of the present bridges ; and the town of *Lincoln* to build and for the future maintain the remainder of the most southerly bridge aforesaid, together with the east buttment of the same ; the town of *Lincoln* having free liberty to bring the ends of their string-pieces on the arch which the town of *Concord* shall build ; which is to be considered as the town of *Lincoln's* full part of the present bridges :

And whereas it has been moved to this Court to ratify and confirm the aforesaid agreement :

**SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid agreement shall be and hereby is ratified and confirmed, to all intents and purposes ; and that each of the towns aforesaid shall be held and obliged to build and maintain their respective proportions of the bridges aforesaid, as specified therein, the aforesaid Act notwithstanding.

Towns of Concord and Lincoln to pay their respective proportions of certain bridges

And whereas the westerly buttment of the most southerly bridge before-mentioned, which is allotted to the town of *Concord* to build and maintain, has been since the making the aforesaid agreement, built with stone six feet and nine inches further into the river than the place where the old buttment then stood :

**SECT. 2.** *Be it therefore enacted by the authority aforesaid,* That the stone buttment where it now stands, shall forever be the place from which the fifteen feet for the town of *Concord* to build and maintain an arch shall be measured.

[This Act passed *October 22, 1783.*]

An

An ACT for incorporating certain Persons therein named into a Society by the Name of the *Boston* Episcopal Charitable Society.

**W**HEREAS a number of persons, members of the episcopal church, did in the year one thousand seven hundred and twenty-four, in the town of *Boston*, form themselves into a society for charitable purposes, which society still continuing, have raised a very considerable stock, out of which they have from time to time contributed to the laudable purposes aforesaid; and the persons so associated, finding themselves under difficulties for want of an incorporation, and having petitioned this Court for an Act remedial of such difficulties; and the intentions of the said persons appearing to this Court deserving encouragement:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

*same, That John Rowe, Stephen Greenleaf, Ralph Inman, Daniel Hubbard, John Cutler, Richard Greene, John Haskins, Benjamin Greene, Nathaniel Greene, Joseph Greene, Thomas Ivers, James Perkins, Reverend Samuel Parker, Thomas Kest, John Amory, junior, William Turner, Oliver Smith, Samuel Dunn, junior, William Tudor, James Lloyd, Thomas Amory, George Lush, Jabez Hatch, James Freeman, Samuel Wallis, Joseph Head, and Samuel Smith, the members of the said society, be, and they hereby are incorporated, and made a body politic, for the aforesaid purposes, by the name of the Boston Episcopal Charitable Society, and that they, their associates and successors, have perpetual succession by the said name, and have power to make by-laws for the preservation and advancement of the said society, not repugnant to the laws of this Commonwealth, with penalties either of disfranchisement from the said society or of a mulct not exceeding twenty shillings, or without penalties, as shall seem most meet.*

Members of the episcopal society incorporated into a body politic.

To make by-laws not repugnant to the laws of this Commonwealth.

SECT. 2. *And be it further enacted, That the said Boston Episcopal Charitable Society be, and they hereby are authorized and empowered, to make, appoint and have a common seal; and are hereby made liable to be sued and enabled to sue and defend in their said corporate capacity, in any of the Courts of Record or other Courts of law of this Commonwealth; and are hereby licensed and empowered to make purchases, and to receive grants and donations of real and personal estates, and to hold the same for the charitable purposes aforesaid, provided the rents of the real estate, together with the interest of the personal estate, shall not exceed the sum of nine hundred pounds, and to manage and dispose of such estates as to the said corporation shall appear fit.*

Society to have one common seal, and to sue and be sued.

SECT. 3. *And be it further enacted by the authority aforesaid, That the said society be, and they hereby are invested with full power*

Society empowered to assemble and elect a President, Vice-President, Treasurer, and six Trustees, and such other officers as they shall judge suitable.

Time fixed for meeting.

power and authority to assemble on any one Tuesday in either of the months of *March* or *April* next, for the purpose of appointing a President, Vice-President, Treasurer, and six Trustees, together with such other officers as by them shall be adjudged suitable, and to appoint their common seal, and to make by-laws within the restrictions aforesaid; and the said officers so appointed, shall continue until others shall be appointed in their room. And the said society shall meet on any one Tuesday in either of the months of *March* or *April*, as they shall from time to time, or at any time, agree, annually, afterwards, at *Boston*, for the purpose of choosing a President, Vice-President, Treasurer, and six Trustees, and such other officers as they shall think proper; and to make, alter or annul their by-laws. And if by reason of any emergency, the business of this annual assembly cannot be completed on the said day, they may adjourn once to a short day to finish it, and no more; and the said society may assemble as often as they may agree on, for transacting all other business. And whenever any of the officers of the said Society shall die, or be disabled, or remove out of this State, the members of the said society are hereby authorized and empowered, at their next meeting, to elect and appoint others in the room of the officers so removed. And all instruments which the said society shall lawfully make and execute, shall, when in the name of the said society, and pursuant to the rules thereof, being signed and delivered by the President, Vice-President, or Treasurer, or such other person as the said society shall appoint, and sealed with their common seal, bind the said society, and be valid in law.

Proviso.

SECT. 4. *Provided always, and it is further enacted*, That the members of the said society shall at no time exceed the number of one hundred. And the Governor of this Commonwealth is hereby authorized and empowered, to give a charter of incorporation, under the seal of the Commonwealth, to the aforementioned persons and their associates accordingly.

Proviso.

SECT. 5. *Provided also*, That nothing contained in this Act shall be construed, as implying any degree of subjection of the society by this Act incorporated, or of any other society in this Commonwealth, to any foreign potentate, prelate, or jurisdiction whatsoever.

[This Act passed February 12, 1784.]

An ACT to set off *Jacob Smith, Joseph Kingbury, Isaac Smith, and Enoch Ellis*, from the Town of *Walpole*, in the County of *Suffolk*, and annex them to the third Parish in the Town of *Dedham*, in the said County.

Preamble.

WHEREAS *Jacob Smith, Joseph Kingbury, Isaac Smith, and Enoch Ellis*, have petitioned this Court, That for their

their more conveniently attending the public worship of God, they, with their polls and estates may be set off from the town of *Walpole*, and annexed to the third parish in *Dedham*, and the said third parish have signified their consent thereunto :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the abovesaid *Jacob Smith, Joseph Kingbury, Isaac Smith, and Enoch Ellis*, with their polls and estates, be, and they hereby are set off from the town of *Walpole*, and annexed to the third parish in the town of *Dedham*, and shall forever hereafter be considered as belonging thereunto, there to do duty and enjoy parish privileges.

*Jacob Smith and others set off from the town of Walpole, and annexed to the third parish in Dedham.*

SECT. 2. *Provided nevertheless,* That the several persons abovenamed, shall pay their proportionable part of all taxes which are already assessed on the said town of *Walpole*, in like manner as though this Act had not been made.

*Proviso.*

[This Act passed February 12, 1784.]

An ACT declaring and confirming the Citizenship of *John Gardiner, Esq. Barrister at Law, Margaret Gardiner, his Wife, and of Ann Gardiner, John Silvester John Gardiner, and William Gardiner, their Children.*

*Additional Act, Octo. 25, 1787.*

WHEREAS the said *John Gardiner* was born in *Boston*, the metropolis of this Commonwealth, and while a minor, was by his father sent to *Great Britain* for his education, where for a succession of years he remained a distinguished friend to, and through a vicissitude of fortune hath continued an avowed and inflexible assertor of the rights and liberties of his native country, and a bold opposer of the enemies thereof; and having lately returned to reside in the said metropolis, and soon expecting his said wife and children, he and they ought to be declared free citizens of the said Commonwealth : Therefore,

*Preamble.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *John Gardiner, Margaret Gardiner, John Silvester John Gardiner, and William Gardiner*, are hereby declared to be, and they are free citizens of this Commonwealth; and as such are, and hereafter shall be, considered, acknowledged and known, to all intents and purposes whatsoever, and entitled to all the privileges and immunities of free citizens to all intents and purposes, in as ample a manner as if they had been inhabitants in, and citizens of the Commonwealth, at the time of forming of the constitution of the same.

*Entitling John Gardiner, Esq. and his family, to the privileges and immunities of free citizens.*

[This Act passed February 13, 1784.]

An

An ACT for apportioning and establishing the Possessions of the Heirs at Law of *Richard Kent*, Son of *Richard Kent*, late of *Newbury*, deceased, to a certain Island called *Kent's Island*, in *Newbury* aforesaid.

Preamble.

**W**HEREAS the said *Richard Kent*, the father, by his last will and testament, bearing date the sixth day of *May*, in the year of our Lord one thousand seven hundred and forty, among other things did devise, That his son *Richard* above-said, should have and enjoy the whole of the island above-said, during his natural life, and after his decease, that his eldest son should have and enjoy the same as an estate tail to him, and the heirs male of his body forever, which said last will and testament was afterward duly proved and approved; and the said *Richard* the son, on the death of his father, entered into possession of the premises devised as aforesaid, and thereof died seized, leaving issue, *Stephen Kent*, and *Joseph Kent*, twin brothers, and *Moses Kent*, a younger brother, his sole heirs, and thereupon the said *Joseph* and *Stephen* entered into the possession thereof, and still hold the same; and by reason of some singular and extraordinary circumstances attending the birth of the said *Stephen* and *Joseph*, it remains wholly uncertain which is the eldest son, although a suit at law, and the verdicts of two juries have been had to determine the question. By which uncertainty great difficulty and contention may further happen among the heirs of the same *Richard*, to the utter ruin of the improvements and cultivation of so valuable an island, and to the disquiet of divers other good citizens: For preventing of which,

Justices of the Supreme Judicial Court, to cause a partition of Kent's Island.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the Supreme Judicial Court, on the application of the said Joseph, Stephen and Moses, or on the application of either of them, his or their heirs, shall cause partition of the said island to be made; and by like process as is prescribed for dividing of other real estates, on application to the said Court, one-third part of the said island shall be assigned and set out by proper metes and bounds to the said Stephen Kent, or his heirs; one third part to the said Joseph Kent, or his heirs; and one-third part to the said Moses Kent, or his heirs, or to either of them or their heirs, who shall apply in manner aforesaid. And on the making and completing any partition and assignment in manner aforesaid, the party to whom such assignment shall be made, or his or their heirs, in case of the death of such party, may enter into and take possession of the part so assigned, which possession taken as aforesaid, shall be deemed, taken and held as a right and lawful possession in the party, person or persons taking the same as aforesaid, and in his or their heirs forever after.*

SECT.

SECT. 2. *Provided always*, That this Act shall never be deemed, Proviso.  
 construed or adjudged any bar to any right or action of any person or persons claiming and demanding the aforefaid devised premises, or any part thereof, as eldest son of the said *Richard*, the devisee, or as heir male, or heirs male of the body of the said eldest son.

[This Act passed *March 1, 1784.*]

An ACT for settling the Estate of *Benjamin White*, late of *Brookline*, Yeoman, deceased, according to the Intendment of the last Will and Testament of the said *Benjamin*.

WHEREAS *Benjamin White*, late of *Brookline*, in the Preamble.  
 county of *Suffolk*, yeoman, on the fifth day of *November*, in the year one thousand seven hundred and seventy-six, made his last will and testament, which will and testament hath been duly proved, approved and allowed; and therein, among other things, devised to *Sarah* his wife, a certain part of the income of his real estate, during her life, and ordered that his real estate should at the death of his said wife be equally divided between his two sons *Thomas* and *Benjamin*: And whereas the said *Sarah* is now alive, and the said *Thomas* has lately deceased, leaving issue, lawfully begotten, *Sarah White*, *Eleanor White*, *Elizabeth White*, and *Thomas White*, his only children and heirs, and also leaving *Luraina White*, his widow; and it appearing that the said *Thomas*, deceased, did not take any estate by the will aforefaid in his life-time, his said mother having survived him; and the guardians of his said children, his said mother, his widow, and all the heirs of the said *Benjamin*, deceased, having united in their petition and request to the General Court, that the share of the same estate which would have come to the said *Thomas*, deceased, if he had survived his said mother, shall, by an Act of the General Court, be settled on the children aforefaid of the said *Thomas*, deceased: And whereas it appears by the certificate of the guardians of the said children, and by their petition exhibited, that the said *Thomas*, in his life-time, for the consideration of five hundred pounds, lawful money, paid him by *Benjamin White*, of the said *Brookline*, his brother, agreed with the said *Benjamin* to release all his the said *Thomas's* right to the land mentioned, and intended to be devised, to wit, all the real estate of the said testator mentioned in the will aforefaid, excepting a farm in the said *Brookline*, bounded as follows, viz. one piece thereof bounded south on a town-way leading to *Newton*, westerly and southerly on lands of *Isaac Childs*, northerly on land of *William Dudley* and *Isaac Childs*, and also northerly on land of *John Goddard* and *John Childs*, and easterly on the heirs of *Timothy Harris* and *Childs*;

one other piece of land in the said *Brookline*, bounded northerly upon the said way, easterly on the heirs of *Timothy Harris*, and *John Harris*, southerly on the land of *John Harris* in part, and partly on a lane leading to the said town-way, northwesterly on land of *Isaac Childs*, until it comes to the said town-way; also two acres of salt marsh in the said *Brookline*, bounded northerly on *Charles-River*, easterly on land of *Benjamin White*, Esq. southerly by a creek, westerly on land of *John Childs*: And it was also between the said *Benjamin* and *Thomas*, the sons of the said *Benjamin*, deceased, agreed that the afore-described lands should be to the said *Thomas* and his heirs; all which makes it necessary that the General Court should attend to the case, and by consent of all concerned as above expressed, pass such an act as may vest the lands before described, in the children of the said *Thomas*, deceased:

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several tracts of land before described, shall be, and hereby are vested in the said Thomas, Sarah, Eleanor, and Elizabeth, the children of the said Thomas White, deceased, and that the same shall be distributed and divided to them, in the same manner as would have been done if the said Thomas had died seized of the same in fee-simple, allowing also the said Luraina, the widow of the said Thomas, her dower therein, according to the laws of this Commonwealth; and that the residue of the real estate mentioned in the will aforesaid, of the said Benjamin White, deceased, shall be, and hereby is vested in the said Benjamin, the son of the said testator, in fee-simple.*

[This Act passed March 5, 1784.]

## An ACT for empowering certain Persons to examine the Sales that have been made by the *Moheakunnuk* Tribe of Indians, and for regulating the future Sales and Leases of all Lands from the said Tribe of Indians.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Bacon, Jableel Woodbridge, Esq's. and Mr. John Sargent, missionary to the said Indians, all of Stockbridge, be, and hereby are appointed commissioners, to examine the sales of all lands heretofore made by any of the Indians belonging to the Moheakunnuk tribe, residing in Stockbridge, in the county of Berkshire, which have not been legally confirmed; and that the said commissioners, or any two of them be, and they hereby are authorized and empowered, if they shall judge such sales to have been justly and fairly made, and that the Indian or Indians making such sales, have received the just value thereof; in such case, and not otherwise to confirm the same, by entering their approbation*

The several tracts of land to be vested in Thomas, Sarah, and other children of Thos. White, deceased, to be divided to them.

The residue of the real estate in whom vested.

Commissioners appointed to examine the sales of all lands belonging to the Moheakunnuk tribe of Indians heretofore made.

Sales to be confirmed in case.



bation on the back of the deed conveying such lands, signed with their hands, in the presence of two witnesses; which approbation so signified and attested, together with the deed, shall be recorded by the register of the said county, and that such deed thus approved, shall be of equal force and validity with a good and lawful deed made by any subject of this Commonwealth.

SECT. 2. *Be it further enacted by the authority aforesaid,* That any future sales or leases which the said Indians may make, of any lands or buildings to them belonging, shall, on their being approved by the said commissioners in the manner aforesaid, to all intents and purposes, be good and valid in law, and not otherwise.

Future sales to be approved by the commissioners.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners shall lay before the Judge of Probate, for the said county, some time in the month of *May*, annually, an account of all the lots and tracts of land, the sales or leases of which they have approved as aforesaid, signifying as near as may be, the quantity and quality of each lot, the price at which the same was sold or leased, and the term of the lease, together with the name or names of the Indians, selling or leasing, and the name or names of the person or persons, purchasing or hiring the same.

Commissioners to lay before the Judge, annually, an account of land, the sale of which they have approved.

SECT. 4. *And be it further enacted,* That the Judge of Probate for the said county make an annual return of all the commissioners' proceedings as aforesaid, that shall be lodged in his office, to the Treasurer of the commissioners of the company for propagation of the gospel in *New-England*, and the parts adjacent, in *America*.

Judge of Probate to make an annual return of the commissioners' proceedings.

SECT. 5. *And be it further enacted,* That no Indians belonging to the said tribe, shall be liable to an action in law, for any debt which he may contract from and after the first day of *May* next ensuing, unless the said debt shall have been approved by the commissioners, as by this Act is directed on deeds.

No Indians liable to an action in law, unless.

SECT. 6. *And be it further enacted,* That the commissioners hereby appointed, shall, on their accepting the trust by this Act reposed in them, and before they proceed to transact the business aforesaid, take an oath before the Judge of Probate, for the faithful performance of the trust and powers hereby reposed in them.

Commissioners to be under oath.

[This Act passed March 9, 1784.]

An ACT for erecting Part of the Town of *Bernardston*, into a District by the name of *Leyden*.

**W**HEREAS the inhabitants of the said town of *Bernardston* have represented to this Court, the great difficulties and inconveniences they labour under in their present situation, and requested that the same may be divided:

Preamble.

SECT.

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That that part of the said town of *Bernardston*, and the inhabitants thereof included within the following lines and boundaries, *viz.* Beginning at the northwest corner of the said town, from thence to run east ten degrees south, three miles and two hundred and eighty rods on the *New-Hampshire* line (so called) to a beach tree, then south to the south line of the said town, then west on the line between the said *Bernardston* and *Greenfield* to *Green River*, (so called) which is the boundary between the said *Bernardston* and *Colerain*, then northerly along by the said *Green River* to the northwest corner of the said *Bernardston* first mentioned, be, and hereby is set off and erected into a separate district, by the name of *Leyden*; and that the said district be invested with all the powers, privileges and immunities that other towns in this Commonwealth do enjoy, except that of sending a representative.

To join with  
Bernardston in  
the choice of a  
representative;  
and to pay their  
proportion of  
taxes already  
granted.

SECT. 2. *Provided nevertheless, and be it further enacted,* That the said district of *Leyden* shall be annexed to the said town of *Bernardston*, in the choice of a representative to represent them in the General Court of this Commonwealth, and that the said district of *Leyden* shall pay their proportion of all town, county, State, or Continental taxes, set on or granted to be raised by the said town of *Bernardston*, as if this Act had not been made, and that that part set off by this Act, in all future taxes that shall be assessed on the present valuation, shall pay fifteen thirty-seventh parts of the whole sum to be assessed on the said town.

David Smead,  
Esq. to call a  
meeting.

SECT. 3. *And be it further enacted,* That *David Smead*, Esq. be, and he is hereby empowered, to issue his warrant directed to some principal inhabitant in the said district of *Leyden*, requiring him to notify and warn the inhabitants of the said district, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to choose all such officers as shall be necessary to manage the affairs of the said district.

Selectmen to  
give notice of  
meetings.

SECT. 4. *Be it further enacted,* That the selectmen of the said town of *Bernardston* shall annually give notice to the clerk of the said district, of the time and place of holding meetings for the choice of representatives, to represent the said town and district in the General Court, fifteen days at least before the time of such choice.

[This Act passed March 12, 1784.]

An

An ACT to incorporate the South Parish in the Town of *Bolton*, together with *David Taylor*, *Silas Carley*, *Job Spafford*, and *John Brigham*, Inhabitants of *Marlborough*, with their Estates, into a District by the Name of *Berlin*.

Additional  
Act, March 26,  
1788.

**W**HEREAS it appears on representation to this Court, that it would be productive of public good, and to the benefit and satisfaction of the inhabitants and proprietors of the South Parish in the town of *Bolton*, and the above-named inhabitants of the town of *Marlborough*, should they be incorporated into a distinct district, and that all persons immediately concerned are agreeing thereto :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described and included within the following boundaries, with the inhabitants thereof, be, and hereby are incorporated into a district by the name of *Berlin* ; Beginning at a rock, a corner between the towns of *Marlborough*, *Northborough*, and *Bolton*, and running on *Northborough* line two miles and one half, and forty-four rods to a stake and stones, a corner between *Lancaster* and *Bolton* ; thence northwardly on *Lancaster* original line, three miles and one half and sixty-two rods, to a stake and stones ; thence east twenty-four degrees south, one mile and a half and forty rods to a heap of stones ; thence east thirty-seven degrees south, three miles and forty rods to a heap of stones on *Marlborough* town line ; thence west thirty-one degrees south, on the said *Marlborough* line to a stump and stones, a monument on *Bolton* line ; thence south thirty degrees east, thirty-seven rods to a heap of stones ; thence east thirty-one degrees south, twenty-one rods to a stump and stones ; thence south thirty-two degrees east, forty-two rods to a heap of stones ; thence south forty degrees west, forty-six rods to a black oak ; thence west twenty degrees north, twenty-eight rods to a heap of stones ; thence west forty-one degrees south, sixty-eight rods to a heap of stones ; thence east four degrees south, thirty-six rods to a red oak by the river ; thence south twenty degrees east, forty-nine rods to a heap of stones ; thence twenty-two rods by a town way ; thence twenty rods by the said way ; thence angling six rods ; thence south seventeen degrees west, twenty-four rods ; thence south forty-four degrees east, thirteen rods to a heap of stones ; thence west twenty-seven degrees south, fifty-six rods to a heap of stones ; thence north eight degrees west, forty-eight rods to a heap of stones ; thence west forty rods to a heap of stones ; thence west thirty-five degrees south, fifty-nine rods ; thence south thirty-one degrees west, sixteen rods to a red oak, a corner of *Joseph How's* land ; thence south twenty-eight degrees west, eighteen rods to a white

Boundaries.

oak; thence south twenty-nine degrees west, thirty rods to a heap of stones on the east side the river; thence thirty rods on the said river to a heap of stones; thence twelve rods by the said river to a swamp oak; thence south forty degrees west, one hundred and sixteen rods to a pine stump; thence west twenty-eight degrees north, seventy-eight rods to a heap of stones; thence west thirty degrees south, twenty-eight rods to a stake and stones by *Joel Brigham's* meadow; thence north thirty degrees west, one hundred and forty-six rods to the bounds first mentioned. And the said district of *Berlin* shall be, and hereby is invested with all the privileges and immunities of any district within this Commonwealth.

SECT. 2. *Provided always, and be it further enacted by the authority aforesaid,* That the said district of *Berlin* shall be subjected to pay their proportionable part of all public debts owing by the town of *Bolton*, at the time of passing this Act, according to the present taxable property of the town of *Bolton* and the district of *Berlin*, exclusive of that part of the said district of *Berlin*, which, before the passing this Act, was part of the town of *Marlborough*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said district of *Berlin* shall be at their proportionable part of the expense of supporting the poor belonging to the said town of *Bolton*, previous to the passing this Act, to be apportioned in like manner as is expressed in the foregoing proviso; and any poor which in time to come may be turned on the said town of *Bolton*, or shall be received and supported by that town, or by the said district, in which soever such poor had their local situation.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said district of *Berlin*, shall have a good right to claim and receive one equal third part of all public stock of arms and ammunition, belonging, before the passing this Act, to the town of *Bolton*.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said district of *Berlin* may join with the town of *Bolton* in the choice of a representative, which representative may be an inhabitant of the town of *Bolton*, or of the district of *Berlin*, and shall be paid by the town of *Bolton*, and the district of *Berlin*, in the same proportion as they pay other public charges; and the selectmen of *Bolton* shall annually, at the usual time for issuing a warrant for notifying the voters to assemble for coming to the choice of a representative, issue their warrant directed to some constable or constables of the district of *Berlin*, to warn the voters of the said district to assemble with the said town of *Bolton* for that purpose.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the inhabitants and proprietors of land, which, before the enacting hereof, belonged to that part of the district of *Berlin*, which

To pay their  
proportion of  
public debts.

And expense of  
poor.

To receive  
their proportion  
of public  
stock.

To join with  
*Bolton* in choo-  
sing a represen-  
tative.

Those who be-  
longed to *Marl-  
borough* to pay  
part taxes to  
said town.

which was part of the town of *Malborough* shall be holden to pay all taxes already assessed on them by the town of *Marlborough*, any thing in this Act to the contrary notwithstanding.

SECT. 7. *And be it further enacted by the authority aforesaid,* That *Samuel Baker, Esq.* is hereby authorized to issue his warrant directed to some principal inhabitant of the district of *Berlin*, requiring him to notify the inhabitants of the said district, qualified by law to vote in town affairs, to assemble at such time and place as he therein shall direct, to choose all such officers as districts within this Commonwealth are directed and required by law to choose in the month of *March* annually; and the said district of *Berlin* shall be considered as belonging to the county of *Worcester*, and the easterly boundaries thereof shall be the boundaries between the counties of *Middlesex* and *Worcester*.

*Samuel Baker, Esq.* to call a meeting.

[This Act passed *March* 16, 1784.]

An ACT to incorporate a new Plantation called *Ashbuelet Equivalent*, in the County of *Berkshire*, into a Town by the Name of *Dalton*.

Part of Windsor annexed, Feb. 28, 1795.

**W**HEREAS it has been represented to this Court, that the inhabitants of the new plantation called *Ashbuelet Equivalent*, in the county of *Berkshire*, labour under many inconveniences, and also that difficulties arise with regard to assessing the said inhabitants: For the remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the lands and inhabitants of *Ashbuelet Equivalent* aforesaid, bounded west partly on *Pittsfield*, and partly on *Lanesborough*, north on *Windsor*, east partly on *Partridgefield*, and partly on the east line of *Jones's Grant* (so called) to the north line of *Washington*, thence westward on the same line to the east line of *Pittsfield*, be, and hereby are incorporated into a town by the name of *Dalton*, and invested with all the powers, privileges and immunities, that towns in this Commonwealth are entitled to according to law, or do or may enjoy.

*Dalton* incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Charles Goodridge, Esq.* be, and he hereby is empowered and required, to issue his warrant to some principal inhabitant of the said town of *Dalton*, directing him to warn the inhabitants thereof qualified to vote in town affairs, to assemble at some convenient time and place in the said town, to choose all such officers as by law are to be chosen annually in the month of *March*.

*Charles Goodridge, Esq.* to call a meeting.

[This Act passed *March* 20, 1784.]

An

An ACT to unite the First and Third Precincts in the Town of *Plymouth*, by the Name of the First Precinct.

Preamble.

**W**HEREAS it is represented to the General Court, that the cause of religion and virtue may be promoted by uniting the first and third precincts in the town of *Plymouth* :

First and third precincts united by the name of the first Precinct.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the first and third precincts in the said town of *Plymouth* be united into one, by the name of the first precinct; and that all authority and jurisdiction exercised by the said third precinct while in their separate corporate capacity, be transferred to, and vested in the said first precinct; any law heretofore made to the contrary notwithstanding.

Treasurer of the first precinct to recover debts due to the third.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said first precinct for the time being, be, and he is hereby fully authorized and empowered, to demand and recover all debts of what nature soever that may be due to the said third precinct, and that the said first precinct united as aforesaid, be responsible for the payment of all debts due from the said third precinct to any person or persons whatsoever.

[This Act passed March 20, 1784.]

An ACT to incorporate an Academy in the Town of *Leicester*, by the Name of *Leicester Academy*.

Preamble.

**W**HEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good, as an object worthy of the most serious attention, as the safety and happiness of a free people ultimately depend upon the advantages arising from a pious, virtuous, and liberal education :

Whereas it appears that *Ebenezer Crafts*, of *Sturbridge*, in the county of *Worcester*, and *Jacob Davis*, of *Charlton*, in the said county, Esquires, for the purpose of promoting piety and learning, have generously given the large and commodious mansion-house, lands and appurtenances, in *Leicester*, lately occupied by *Aaron Lopez*, deceased, for the use of an Academy : And it further appears, that the sum of one thousand pounds is generously subscribed for the support of the said Academy ; the interest thereof, together with what may hereafter be raised by donations, with the income or rent of all real estate, to be appropriated to the use and benefit of the said Academy forever, as trustees to be appointed shall think most expedient : And as it will be necessary that the said trustees and their successors be vested with authority to commence and prosecute actions at law, and transact such other matters in their corporate capacity, as the interest of the said Academy shall require :

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and there hereby is established in the town of Leicester, in the county of Worcester, an Academy by the name of *Leicester Academy*, for the purpose of promoting true piety and virtue, and for the education of youth in the English, Latin, Greek, and French languages, together with writing, arithmetic, and the art of speaking; also practical geometry, logic, philosophy and geography; and such other of the liberal arts and sciences or languages as opportunity may hereafter permit, and as the trustees herein after provided shall direct.

SECT. 2. *Be it further enacted by the authority aforesaid,* That Ebenezer Crafts, of Sturbridge, and Jacob Davis, of Charlton, Esquires, the Honorable Moses Gill, of Princeton, Samuel Baker, of Bolton, and Levi Lincoln, of Worcester, Seth Washburn, of Leicester, and Rufus Putnam, of Rutland, Esquires, Joseph Allen, Esq. and the Reverend Thaddeus Maccarty, of Worcester, the Reverends Joseph Sumner, of Shrewsbury, Joshua Paine, of Sturbridge, Benjamin Conklin, of Leicester, Archibald Campbell, of Charlton, Joseph Pope, of Spencer, all in the county of Worcester, and the Honorable Timothy Danielson, Esq. of Brimfield, in the county of Hampshire, be, and they hereby are nominated and appointed trustees of the said Academy; and they are hereby incorporated into a body politic, by the name of the Trustees of *Leicester Academy*, and they and their successors shall be and continue a body politic and corporate, by the same name forever.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all the lands and monies heretofore subscribed, which by a legal instrument hereafter to be made shall be given, granted and assigned by the subscribers unto the trustees of *Leicester Academy*, shall be confirmed to the said trustees, and to their successors in that trust forever, for the uses and purposes, and upon the trust which in the said instrument shall be expressed: And the trustees aforesaid, their successors, and the officers of the said Academy, are hereby required, in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said grantors, which in the instrument abovementioned shall be expressed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of trustees of the said Academy, and they shall have power and authority to break, change and renew the said seal from time to time, as they shall see fit, and they may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same unto final judgment and execution, by the name of the Trustees of *Leicester Academy*.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said Ebenezer Crafts, Jacob Davis, and others, the

Trustees to be the true and sole visitors, &c. of said Academy.

To make laws, &c.

Proviso.

Number of trustees not to be more than fifteen, nor less than eight. Major part to constitute a quorum.

When any trustee shall die, or be rendered incapable, surviving trustees to elect another.

Trustees capable in law to receive by gift, &c. real or personal estate.

Proviso.

Proviso.

trustees aforesaid, and their successors, the longest lived and survivors, be the true and sole visitors, trustees and governors of the said *Leicester Academy*, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, for the good government of the said Academy, as to them the trustees, governors and visitors aforesaid, and their successors, shall, from time to time, according to the various occasions and circumstances, seem most fit and requisite; all which shall be observed by the officers, scholars and servants of the said Academy, upon the penalties therein contained: *Provided notwithstanding*, That the said rules, laws and orders be no ways contrary to the laws of this Commonwealth.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the number of the trustees aforesaid and their successors, shall not at any one time be more than fifteen nor less than eight, a major part of whom shall constitute a *quorum* for transacting business, and a major part of the members present at any legal meeting, shall decide all questions that shall come before them, except in the instances herein after excepted, that the principal instructor for the time being shall ever be one of them, that the major part shall be laymen and respectable freeholders; also, that a major part shall consist of men who are not inhabitants of the town where the seminary is situate. And to perpetuate the succession of the said trustees:

SECT. 7. *Be it further enacted by the authority aforesaid*, That as often as one or more of the trustees of the said *Leicester Academy* shall die or resign, or in the judgment of the major part of the other trustees, be rendered by age or otherwise incapable of discharging the duties of his office, then and so often the trustees then surviving and remaining, shall elect one or more persons to supply the vacancy or vacancies.

SECT. 8. *Be it further enacted by the authority aforesaid*, That the trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements, or other estate, real and personal, *Provided*, That the annual income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income of the personal estate shall not exceed the sum of two thousand pounds, both sums to be valued in silver, at the rate of six shillings and eight pence by the ounce, to have and to hold the same to them the said trustees and their successors, on such terms and under such provisions and limitations, as may be expressed in any deed or instrument of conveyance to them made. *Provided always*, That neither the said trustees, nor their successors, shall ever receive



any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of the first grantors, or of any prior donations; and all deeds and instruments which the said trustees may lawfully make, shall, when made in the name of the said trustees, and signed and delivered by the Treasurer, and sealed with the common seal, bind the said trustees and their successors, and be valid in law.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if it shall hereafter be judged upon mature and impartial consideration of all circumstances, by two thirds of all the trustees, that for good and substantial reasons, which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded; in that case, it shall be in the power of the said trustees to remove it accordingly, and to establish it in such place within this State, as they shall judge to be best calculated for carrying into effectual execution the intention of the founders.

Trustees empowered to remove the seminary.

[This Act passed March 23, 1784.]

### An ACT for naturalizing *Thomas Hopkins*.

**W**HEREAS *Thomas Hopkins*, late of *Devonshire*, in *Great Britain*, and now residing at *Falmouth*, in the county of *Cumberland*, and Commonwealth aforesaid, has petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties, and privileges of a free citizen of this Commonwealth:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Thomas Hopkins*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he the said *Thomas* had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

*Thomas Hopkins* naturalized.

SECT. 2. *And it is further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

Certificate of oaths to be recorded.

[This Act passed March 23, 1784.]

An ACT for enabling the first Precinct belonging to, and lying within the Town of *Cambridge*, to raise Money for discharging the Debts incurred in carrying on the late War, and for confirming the Grants and Assessments that have been already made for that Purpose.

Preamble.

**W**HEREAS doubts have arisen whether the laws of this State will fully authorize the assessors of the first precinct in *Cambridge* to assess upon the inhabitants any sum or sums of money that have been expended in carrying on the late war, especially that part of the parish only as belong to the town of *Cambridge*:

Money voted, how to be assessed, &c.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the first precinct of the town of Cambridge, being and lying within the same, at any legal meeting of the inhabitants, shall vote any sum or sums of money for the purpose of discharging the debts already contracted in consequence of the late war, the assessors of the aforesaid precinct or parish, or such other person or persons as they have or may appoint for that purpose, shall have full power and authority to apportion or assess such sum or sums of money upon the inhabitants thereof, according to the rules and methods prescribed by law for apportioning the State tax, and shall have full power and authority to grant warrants for collecting the same, in like manner as the law directs for gathering town and other parish rates or assessments.*

Former grants and assessments ratified.

SECT. 2. *And be it further enacted by the authority aforesaid, That all grants and assessments that have been made in time past, or that may hereafter be voted and assessed in the first precinct or parish in Cambridge aforesaid, in manner and for the purpose aforesaid, be, and hereby are ratified and confirmed, and the collector or collectors of the said parish are hereby directed and required to execute all such warrants in the same manner as they are by law obliged to execute warrants for collecting town or other parish rates or assessments.*

[This Act passed June 21, 1784.]

An ACT for confirming a Grant of a certain Tract of Land called *Machias*, in the County of *Lincoln*, and for incorporating the said Tract of Land, and the Inhabitants thereof, into a Town by the Name of *Machias*.

Preamble.

**W**HEREAS a certain tract of land called *Machias*, in the County of *Lincoln*, was in *April*, one thousand seven hundred and seventy, granted by the General Court of the late Province of *Massachusetts Bay*, to *Ichabod Jones*, and seventy-nine

nine others, his associates, their heirs and assigns, upon certain conditions in the said grant expressed, a plan of which tract, setting forth the extent and boundaries thereof, was in July, 1771, presented to, received and accepted by the said Court: And whereas the conditions in the said grant have been complied with to the satisfaction of this Court, and it is represented by the inhabitants of the said tract, that they are subject to many inconveniences in a state of un-incorporation: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the before mentioned grant of the aforesaid tract of land, extending and bounded as follows, viz. Beginning at a dry rock at a place called the Eastern Bay, near the house of Mr. *Samuel Holmes*, and extending north ten degrees, west ten miles; then west ten degrees, south eight miles; then south ten degrees, east ten miles; then east ten degrees, north eight miles, to the first mentioned bounds, is hereby ratified and confirmed unto the aforesaid *Ichabod Jones*, and his said associates, his and their heirs and assigns forever. Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said tract of land extending and bounded as aforesaid, together with the inhabitants thereof, be and hereby are incorporated into a town, by the name of *Machias*, with all the powers, privileges and immunities that towns in this Commonwealth have and enjoy, according to the laws and constitution of the same. Machias incorporated.

SECT. 3. *Provided nevertheless,* That if it shall appear to the General Court that any settler on the aforesaid tract of land, other than a proprietor, has not had a reasonable quantity of the said tract of land assigned and confirmed to him by the proprietors aforesaid; this Legislature doth hereby reserve the right of assigning and confirming to such settler, a reasonable quantity thereof, upon application made for that purpose, within two years from the passing of this Act; any thing in the same to the contrary notwithstanding. Proviso.

SECT. 4. *Provided also,* That the several lots in the said tract of land, appropriated to the use of *Harvard College*, to the first ordained minister, to the use of the ministry, and to the use of the school, be truly reserved for those purposes. Proviso.

SECT. 5. *And it is further enacted,* That *Stephen Jones*, Esq. be, and he hereby is empowered to issue his warrant to some principal inhabitant of the said town, requiring him to call a meeting of the inhabitants thereof, for the purpose of choosing such officers as by law towns are empowered to choose in the month of *March*, annually. Stephen Jones, Esq. to call a meeting.

[This Act passed June 23, 1784.]

An

An ACT for naturalizing *Thomas Robison*.

Preamble.

**W**HEREAS *Thomas Robison*, late of *Quebec*, in the Province of *Canada*, and now residing at *Falmouth*, in the county of *Cumberland*, and Commonwealth aforesaid, has petitioned the General Court to be naturalized, and be thereby entitled to all the rights, liberties, and privileges of a free citizen of this Commonwealth; and it being probable he will be a useful member thereof:

Thomas Robison naturalized.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Thomas Robison*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he the said *Thomas* had been an inhabitant within this State at the time of making the present form of civil government.

Certificate of oaths to be returned.

SECT. 2. *And it is further enacted*, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

[This Act passed June 30, 1784.]

An ACT to enable the Inhabitants of the Town of *Long-Meadow*, to lay out and confirm Highways in the said Town, at any legal Meeting before the sixth day of *November*, seventeen hundred and eighty-four.

Preamble.

**W**HEREAS the town of *Springfield*, by a vote of the said town in *October*, seventeen hundred and seventy-two, did reserve to the inhabitants of the said town, a right to lay out highways in certain lands called the commons in the said *Springfield*, from the time of passing the said vote to the sixth day of *November*, seventeen hundred and eighty-four, which town of *Long-Meadow* was then included in the said town of *Springfield*: And whereas the said town of *Long-Meadow* was incorporated into a separate town in *October* last, but the said privilege of laying out highways in the said lands in *Long-Meadow* was not mentioned in the Act of incorporation, whereby the inhabitants thereof suppose themselves excluded from the said right: And whereas by law all town highways laid out by the selectmen thereof, are to be accepted and approved at the annual *March* meeting in the said town, before the same can be established, which cannot be done by the said town before the time reserved for exercising the said privilege will be elapsed: For remedy whereof,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants*

inhabitants of the said town of *Long-Meadow*, shall have all the right to lay out highways in the same town in the said commons, which the inhabitants of *Springfield* had, or have by the said vote of *October*, seventeen hundred and seventy-two, reserved to themselves of laying out highways in the commons in the said *Springfield*, and also to accept, approve and confirm the same at any legal town-meeting in the said *Long-Meadow*, before the said sixth day of *November* next, as fully and effectually to all intents and purposes as the same might have been done at any legal town-meeting in the month of *March*; any law to the contrary notwithstanding.

[This Act passed July 1, 1784.]

Inhabitants enabled to lay out high ways, &c.

An ACT for erecting a District within the County of *Suffolk*, by the Name of *Dover*.

Act repealing the last clause, March 4, 1790. Additional Act March 7, 1791.

**W**HEREAS the inhabitants of the fourth precinct in the town of *Dedham*, in the said county, have repeatedly and earnestly petitioned this Court, that they may be incorporated into a district, and it appears that they labour under great difficulties in their present situation :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said fourth precinct in *Dedham*, be, and it hereby is incorporated into a district, by the name of *Dover*, with all the powers, privileges and immunities of incorporated districts, viz. Beginning at *Bubbling-brook*, so called, where it crosses *Medfield* road; and from thence taking in the lands of *Samuel Chickering*, deceased; and from thence to the westerly end of the house-lot of *Nathaniel Richards*; and thence by the house-lot aforesaid, to *Charles River*; with all the lands and inhabitants west of the said line, within the said precinct.

*Dover* incorporated.

SECT. 2. *Provided*, That the freeholders and inhabitants of the said district of *Dover* shall pay their proportion of all taxes now assessed by, and debts due from the said town of *Dedham*; and that the said district of *Dover* relinquish all their right, title and interest, in and to the work-house, school-money, and all donations and other public privileges in the said town of *Dedham*.

To pay their proportion of taxes, already assessed.

SECT. 3. *And be it enacted by the authority aforesaid*, That the polls and estates in the said district of *Dover*, that were returned by the assessors for the said town of *Dedham*, on the last valuation, which then belonged to the said town of *Dedham*, be deducted from the return made by the said assessors, and be placed to the said district of *Dover* until another valuation shall be taken.

Polls, &c. in *Dover*, to be deducted from *Dedham*.

SECT. 4. *And be it further enacted*, That *Stephen Metcalf*, Esq. be, and is hereby empowered to issue his warrant, directed

*Stephen Metcalf*, Esq. to call a meeting

to some principal inhabitant within the said district of *Dover*, requiring him to warn the freeholders and other inhabitants within the said district of *Dover*, qualified to vote in district affairs, to assemble at some suitable time and place in the said district, to choose such officers as shall be necessary to manage the affairs of the said district.

To join with  
Dedham in the  
choice of a  
Representative.

SECT. 5. *And it is further enacted*, That the selectmen of the town of *Dedham*, fifteen days at least before the time of choosing a Representative for the said town, shall give notice of the time and place by them ordered for that purpose, in writing, under their hands, to the selectmen of the said district of *Dover*, to the intent, the selectmen of the said district may issue their warrant to the constable or constables of the said district, to warn the inhabitants thereof to meet with the said town of *Dedham*, at time and place so appointed for the choice of a Representative.

[This Act passed July 7, 1784.]

Made an Academy, by the name of Derby Academy, by an Act passed June 17, 1797.  
Preamble.

An ACT for establishing a School in the North Parish of *Hingham*, by the Name of *Derby School*, and for appointing and incorporating Trustees of the said School.

WHEREAS the education of youth has ever been considered, by the wise and good, as an object of the highest consequence to the safety and happiness of a free people: And whereas *Sarah Derby*, of *Hingham*, in the county of *Suffolk*, widow, on the twenty-first day of *October* last past, by a deed of lease and release, of that date, legally executed, gave, granted and conveyed to the Reverend *Ebenezer Gay*, and others therein named, and to their heirs, a certain piece of land, with the buildings thereon, situate in the north parish of the said *Hingham*; and in the said deed described to the use and upon the trust, that the rents and profits thereon be forever appropriated to the support of a school, in the said north parish of *Hingham*, for the instruction of such youth, in such arts, languages and branches of science as are particularly mentioned, enumerated and described in the said deed: And whereas the execution of the generous and important design of instituting the said school will be attended with great embarrassments, unless by an act of incorporation, the trustees mentioned in the said deed, and their successors, shall be authorized to commence and prosecute actions at law, and transact such other matters in their corporate capacity, as the interest of the said school shall require:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and there hereby is established, in the north parish of *Hingham*, in the county of *Suffolk*, a school, by  
the

Derby School  
established.

the name of *Derby School*, for the promotion of virtue and instruction of such youth of each sex, in such arts, languages and branches of science, as are respectively and severally mentioned, enumerated and described, by a deed of lease and release, made and executed on the twenty-first day of *October* last past, by and between *Sarah Derby*, of *Hingham*, aforesaid, widow, on the one part, and the Reverend *Ebenezer Gay*, the Reverend *Daniel Shute*, *John Thaxter*, Esq. the Honorable *Benjamin Lincoln*, Esq. all of the said *Hingham*; the Honorable *Cotton Tufts*, of *Weymouth*, and the Honorable *Richard Cranch*, of *Braintree*, both in the said county of *Suffolk*, Esq's. the Honorable *William Cushing*, and the Honorable *Nathan Cushing*, both of *Scituate*, in the county of *Plymouth*, Esq's. *John Thaxter*, of *Haverhill*, in the county of *Essex*, Esq. and *Benjamin Lincoln*, of *Boston*, in the said county of *Suffolk*, gentleman, on the other part.

SECT. 2. *Be it further enacted by the authority aforesaid*, That the aforementioned *Ebenezer Gay*, *Daniel Shute*, *John Thaxter*, *Benjamin Lincoln*, *Cotton Tufts*, *Richard Cranch*, *William Cushing*, *Nathan Cushing*, *John Thaxter*, and *Benjamin Lincoln*, be, and they hereby are nominated and appointed trustees of the said school; and they are hereby incorporated into a body politic, by the name of the Trustees of *Derby School*, and they and their successors shall be and continue a body politic and corporate, by the same name forever.

Trustees appointed and incorporated.

SECT. 3. *Be it further enacted by the authority aforesaid*, That all the lands and buildings which by the aforementioned deed of lease and release were given, granted and conveyed by the aforementioned *Sarah Derby*, unto the said *Ebenezer Gay*, *Daniel Shute*, *John Thaxter*, *Benjamin Lincoln*, *Cotton Tufts*, *Richard Cranch*, *William Cushing*, *Nathan Cushing*, *John Thaxter*, and *Benjamin Lincoln*, and to their heirs, be, and they hereby are confirmed to the said *Ebenezer Gay*, and others last named, and to their successors, as trustees of *Derby School*, forever, for the uses, intents and purposes, and upon the trusts which in the said deed of lease and release are expressed; and the trustees aforesaid, their successors, and the officers of the said school, are hereby required in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said *Sarah Derby*, as expressed in the deed above-mentioned.

Lands, &c. given by Sarah Derby, confirmed to the Trustees forever.

SECT. 4. *Be it further enacted by the authority aforesaid* That the said trustees and their successors, shall have one common seal, which they may make use of in any cause or business that relates to the said office of trustees of the said school; and they shall have power and authority to break, change and renew the said seal from time to time, as they shall see fit; and they may sue and be sued in all actions, real, personal and mixed,

trustees have one common seal.

ed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of *Derby School*.

Trustees and their successors, to be the sole visitors, &c. **SECT. 5.** *Be it further enacted by the authority aforesaid,* That the said *Ebenezer Gay*, and others, the trustees aforesaid, and their successors, the longest lived and survivors, of them, be the true and sole visitors, trustees and governors of the said *Derby School*, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect a president, secretary and treasurer, and such officers of the said school as they shall judge necessary and convenient; and to make and ordain such laws, rules and orders, for the good government of the said school, as to them the trustees, governors and visitors aforesaid, and their successors, shall from time to time, according to the various occasions and circumstances, seem most fit and requisite; all which shall be observed by the officers, scholars and servants of the said school, upon the penalties therein contained. *Provided notwithstanding,* That the said rules, laws and orders, be no ways contrary to the laws of this Commonwealth.

To elect officers, make laws, &c. **Proviso.**

**SECT. 6.** *Be it further enacted by the authority aforesaid,* That the number of the said trustees and their successors, shall not at any one time be more than eleven, nor less than nine, five of whom shall constitute a quorum for transacting business; and a major part of the members present shall decide all questions that shall come before them; that the principal preceptor for the time being, shall be ever one of them; that a major part shall be laymen and respectable freeholders of this Commonwealth, and never more than four of the said trustees or their successors, shall belong to, or be inhabitants of the town of *Hingham*, aforementioned. And to perpetuate the succession of the said trustees,

Number of Trustees.

**SECT. 7.** *Be it further enacted by the authority aforesaid,* That as often as one or more of the trustees of *Derby School* shall die or resign, or in the judgment of the major part of the said trustees be rendered by age or otherwise, incapable of discharging the duties of his office, then and so often the trustees then surviving and remaining, or the major part of them, shall elect one or more persons to supply the vacancy or vacancies.

Surviving trustees to supply vacancies occasioned by death, &c.

**SECT. 8.** *Be it further enacted by the authority aforesaid,* That the trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real and personal, provided that the annual income of the said real estate shall not exceed the sum of three hundred pounds, and the annual income of the said personal estate shall not exceed the sum of seven hundred pounds; both sums to be valued in silver, at the rate of six shillings and eight pence by the ounce; to have and to hold the same to them the said trustees, and their successors, on such terms and under such

Trustees rendered capable to receive land, by gift, &c.



such provisions and limitations as may be expressed in any deed or instrument of conveyance to them made. *Provided always,* That neither the said trustees nor their successors, shall ever hereafter receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of the aforementioned *Sarah Derby*, as expressed in the aforementioned deed or any prior donation; and all deeds and instruments which the said trustees may lawfully make, shall, when made in the name of the said trustees, and signed and delivered by the treasurer, and sealed with the common seal, bind the said trustees and their successors, and be valid in law. Proviso.

SECT. 9. *Be it further enacted by the authority aforesaid,* That the aforesaid trustees shall have full power and authority to determine at what times and places their meetings shall be holden; and upon the manner of notifying the trustees to convene at such meetings, and also upon the method of electing or removing trustees; and the said trustees shall have full power and authority to ascertain and prescribe from time to time, the powers and duties of their several officers, and to fix and ascertain the tenures of their respective offices. Trustees empowered to determine times and places of meetings, &c.

SECT. 10. *Be it further enacted by the authority aforesaid,* That *Samuel Niles*, Esq. be, and he hereby is authorized and empowered, to fix the time and place for holding the first meeting of the said trustees, and to certify them thereof. Samuel Niles, Esq. to fix the time for the first meeting.

[This Act passed November 11, 1784.]

An ACT for incorporating a Grant of Land, formerly made to Mr. *Cornelius Jones*, of ten Thousand Acres, called by the name of *Myrifield*, in the County of *Hampshire*, together with other Lands adjoining, and the Inhabitants thereon, into a separate Town, by the Name of *Rowe*.

**W**HEREAS a number of the inhabitants of the plantation called *Myrifield*, in the county of *Hampshire*, have petitioned this Court to be incorporated into a town, for reasons set forth in their petition, and it appearing to this Court that it is expedient that the said plantation be incorporated: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described, *viz.* Beginning at the southwest corner of the beforementioned grant of land, thence running south two hundred rods to a corner, thence running east six degrees south, one thousand five hundred and sixty-six rods to a corner, thence north one thousand three hundred and forty-three rods, to the line of a territory called *Vermont*, including the abovementioned grant, together with Boundaries.

with two hundred rods in width from the town of *Charlemont*, and from *Pierce's*, *Dennis's*, and the whole of *Fulham's* grant of land west of *Charlemont*, on the south side of the said *Myrfield*; also, together with two hundred rods in width on the east end from the lands called *Green* and *Walker's* lands, together with the inhabitants thereon, be, and they are hereby incorporated into a distinct town, by the name of *Rosve*, and invested with all the powers, privileges and immunities, that towns in this Commonwealth are entitled to, or do or may enjoy, according to law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Samuel Taylor*, of *Buckland*, Esq. be, and he hereby is empowered to issue his warrant directed to some principal inhabitant within the said town of *Rosve*, directing him to warn the inhabitants of the said town, qualified to vote in town affairs, to assemble at some convenient time and place in the same town, to choose all such town officers as by law are to be chosen annually, in the month of *March*.

SECT. 3. *Provided nevertheless,* The inhabitants of the said town of *Rosve*, which were before the passing this Act inhabitants of any other town or place, shall pay their proportionable part of all such town, county and State taxes, as are already assessed or levied on them by the town or place where they usually were taxed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the whole and every part of the said town of *Rosve* be hereafter included within the county of *Hampshire*; and that the west bound thereof shall be the boundary line, between the counties of *Hampshire* and *Berkshire*.

[This Act passed February 9, 1785.]

An ACT to set off *Samuel Luce*, *Jonathan Snow*, *Edward Wing*, *Admiral Potter* and *Reuben Hous*, from the Town of *Conway*, in the County of *Hampshire*, and annex them to the Town of *Goshen*, in the said County.

Preamble. WHEREAS it is represented by *Samuel Luce*, *Jonathan Snow*, *Edward Wing*, *Admiral Potter* and *Reuben Hous*, that they labour under great inconveniences by reason of their situation; and it appears to this Court to be expedient that they, with their polls and estates, should be set off from the town of *Conway*, and annexed to the town of *Goshen*, the said town having signified their consent:

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Luce*, *Jonathan Snow*, *Edward Wing*, *Admiral Potter*, and *Reuben Hous*, with their polls and estates, be, and they are hereby set

set off from the town of *Conway* and annexed to the town of *Gosben*, and shall forever hereafter be considered as belonging to the said town of *Gosben*, there to do duty and enjoy privileges. *Provided nevertheless*, That the several persons above-named shall pay their proportional part of all taxes which are already assessed on the said town of *Conway*, in like manner as though this Act had not passed. Proviso.

[This Act passed February 9, 1785.]

An ACT for incorporating a certain Tract of Land, lying in the County of *Hampshire*, into a Town, by the Name of *Heath*.

**W**HEREAS it appears on representation to this Court, Preamble. that it would be of public utility, and for the particular advantage of the inhabitants and proprietors of the north-easterly part of the town of *Charlemont*, together with a part of the lands commonly known by the name of *Green* and *Walker's* land, adjoining to the said lands northerly, should be incorporated into a distinct town; and the said inhabitants have signified their desire to be incorporated into a town, by an Act of this Court:

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the lands included within the following boundaries be, and hereby are incorporated into a town, by the name of *Heath*, viz. Beginning at the north-east corner of the lot number twelve, about two hundred rods distant from the north-west corner of *Green* and *Walker's* land, and running south three miles and one hundred and eighty rods to the north line of *Charlemont*, then west six degrees north eighty rods to the north-west corner of *Wilder's* lot number one, then south on the west end of the said *Wilder's* range of lots through *Cunningham's* and *Baldwin's* farms, about seven hundred and sixty rods to the south line of the same, then turning east twelve degrees thirty minutes south to the north-west corner of *Asabel Thayer's* lot, then south nine degrees west one hundred and ninety-seven rods to the south-west corner of the said *Asabel Thayer's* lot, then east twelve degrees thirty minutes south one hundred and five rods, then south about thirty rods to the south-west corner of the Reverend *Jonathan Leavitt's* lot, then east six degrees south about two hundred and forty rods to the south-east corner of the same, then east twenty-five degrees north, running across *Walnut-Hill*, to the west line of *Colerain*, about seven hundred and eighty rods, then north on the west line of *Colerain* about eighteen hundred rods to the north-east corner of *Green* and *Walker's* grant, then west ten degrees north, about eleven hundred and twenty rods on the south line Boundaries.

Invested with  
privileges, &c.

line of *Halifax* to the first mentioned bounds ; and the said town is hereby invested with all the powers, privileges and immunities that any town within this Commonwealth is entitled unto, agreeable to the constitution of the government of this Commonwealth.

Provido.

SECT. 2. *Provided always*, That so much of the said town of *Heath*, as before the passing this Act belonged unto the town of *Charlemont*, shall be holden to pay all such continental, State, county and town taxes, already assessed on the inhabitants and proprietors of the said town of *Heath* unto the town of *Charlemont* ; any thing in this Act to the contrary notwithstanding.

Certain inhab-  
itants holden to  
pay taxes to  
Charlemont.

SECT. 3. *And it is furthermore provided*, That the inhabitants and proprietors of the said town of *Heath* shall have one half the meeting house now standing in the town of *Charlemont*, and shall relinquish their right to all the public lands in the said town of *Charlemont*, and the inhabitants and proprietors of the said town of *Heath*, excepting the inhabitants and proprietors of *Green* and *Walker's* lands, shall also be holden to pay their proportionable part of all continental, State, county and town taxes, required of the town of *Charlemont*, in the same proportion at which they now stand on the valuation of the town of *Charlemont*, until the further order of the General Court, or until a new valuation shall take place.

What part con-  
sidered as be-  
longing to  
Charlemont.

SECT. 4. *And be it further enacted by the authority aforesaid*, That that part of the said town of *Heath* which before the enacting hereof belonged to *Charlemont*, shall be considered as proper inhabitants of the town of *Charlemont*, in the same manner as before their incorporation, respecting any incumbrances the town of *Charlemont* labours under, and in an especial manner, respecting any cost the Rev. *Jonatthan Leavitt* may bring upon the town, in consequence of his once being minister of *Charlemont*.

Samuel Taylor,  
Esq. to call a  
meeting.

SECT. 5. *And be it further enacted by the authority aforesaid*, That *Samuel Taylor*, Esq. be, and hereby is empowered to issue his warrant, directed to some one principal inhabitant of the said town of *Heath*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose all such officers as other towns are empowered to choose, at their annual meetings in the month of *March*.

[This Act passed February 14, 1785.]

An ACT for naturalizing *Nicholas Roussélet* and *George Smith*.

Preamble.

WHEREAS *Nicholas Roussélet*, resident in *Boston*, auctioneer, and *George Smith*, resident in *Andover*, labourer, have dwelt within this Commonwealth several years, and de-  
meaned

meaned themselves well, and have applied to the Legislature to be naturalized :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Nicholas Rouffelet*, and the said *George Smith*, be permitted to take and subscribe the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, of the county where they dwell ; and thereupon, and thereafter, shall be deemed, adjudged, and taken to be citizens of this Commonwealth, and entitled to all the liberties, rights and privileges of natural-born citizens. Permitted to take the oath of allegiance, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the said *Nicholas Rouffelet* and *George Smith* may take and subscribe the oaths aforesaid, shall make return thereof to the Secretary of the Commonwealth, who shall record the same in the book ordered to be kept for such purpose. Justices to make return thereof to the Secretary.

[This Act passed February 28, 1785.]

### An ACT altering the Name of the Town of *Richmont*, in the County of *Berkshire*.

**W**HEREAS the inhabitants of the town of *Richmont*, in the county of *Berkshire*, have petitioned this Court, setting forth, that in the year one thousand seven hundred and sixty-five, the said inhabitants petitioned the General Court to be incorporated into a town by the name of *Richmond*; and that through mistake, (as they suppose) the said town was incorporated by the name of *Richmont*, and praying that this Court would alter the name of the said town from *Richmont* to *Richmond* : Preamble.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the name of the said town shall be no more *Richmont*, but that it shall be called by the name of *Richmond* : Any law to the contrary notwithstanding. Enacting clause.

[This Act passed March 3, 1785.]

### An ACT for incorporating the Plantation of *Shapleigh*, in the County of *York*, into a Town by the Name of *Shapleigh* ; and for annexing certain Lands to *Lebanon*.

Repealed in part by Acts, July 26, 1787, July 14, 1793.

**W**HEREAS it will promote the growth of the said plantation, (which, by the return of their rateable polls, already exceed one hundred and fifty) and remedy many inconveniences they must necessarily, in an unincorporated state, labour under : Preamble.

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land in the county of *York*, lying below *Little Ossipee River*, granted and confirmed to the proprietors claiming the same under *Nicholas Shapleigh*, by an Act made and passed in the year seventeen hundred and eighty-two, together with a gore of land on the north-easterly side thereof, adjoining the same, which the proprietors of lands, under the will of *Bridget Phillips*, for a valuable consideration have released to the said *Shapleigh* proprietors; which tracts contain about sixty square miles, and are bounded, westerly, by *Salmon Fall River*, and by a line run by order of Governor *Belcher*, in the year seventeen hundred and forty-one, between *New-Hampshire* and the late Province of *Maine*; northerly, by *Little Ossipee* pond and river; easterly, by lands of the said *Phillips's* proprietors in part, and partly by a gore of land belonging to the Commonwealth; southerly, by lands of the Commonwealth in part, and partly by lands lying in no place incorporated, but laid out and held by virtue of Province grants; with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of *Shapleigh*, with all the powers, privileges and immunities that towns in this Commonwealth have or do enjoy.

Boundaries.

Invested with powers, &amp;c.

Benjamin Chadbourn, Esq. to call a meeting.

SECT. 2. *And be it further enacted,* That *Benjamin Chadbourn*, Esq. be, and he hereby is empowered, to issue his warrant to some principal inhabitant of the said town, requiring him to call a meeting of the said inhabitants, in order to choose such officers as towns by law are empowered to choose in the month of *March*, annually.

Lands annexed to Lebanon.

SECT. 3. *And be it further enacted,* That the several tracts of land laid out to *Woodman*, *Cook* and *Bagley*, by virtue of grants made from the late Province of *Massachusetts Bay*, lying westerly of the town of *Lebanon*, and between that town, and *Salmon Fall River*, be, and hereby are annexed to the town of *Lebanon*.

Proviso.

SECT. 4. *Provided,* That nothing in the foregoing Act shall be so construed as to exempt any person from paying taxes already assessed upon him, but all persons shall be severally held and obliged to pay such taxes assessed upon them respectively, and the payment thereof may and shall be enforced in like manner as if this Act had never been passed.

What lands considered as part of Sandford.

SECT. 5. *Be it further enacted by the authority aforesaid,* That all gores and tracts of land adjoining to the town of *Sandford*, not belonging to any other incorporated town, except such as belong to the plantation of *Messabesec*, shall be annexed to, and considered as part of the said town of *Sandford*.

[This Act passed March 5, 1785.]

An

An ACT for directing the Use and Appropriation of a Charitable Donation, made in a certain Clause in the last Will and Testament of *Ephraim Williams*, Esq. for the Support and Maintenance of a Free-School, in *Williamstown*, in the County of *Berkshire*; and for incorporating certain Persons as Trustees, in order more effectually to execute the Intention of the Testator, expressed in the same.

The funds vested in the Corporation of *Williams' College*, June 20. 1793.

**W**HEREAS *Israel Williams*, Esq. and *John Worthington*, Esq. executors of the last Will and Testament of *Ephraim Williams*, Esq. deceased, have represented to this Court, that the said *Ephraim Williams*, on the twenty-second day of *July*, *Anno Domini* one thousand seven hundred and fifty-five, made his last Will and Testament; in which, after divers bequests, devises and dispositions, is contained the following clause, viz.

“*Item.* It is my will, desire, and pleasure, that the remaining part of the lands not yet disposed of, shall be sold at the discretion of my executors, within five years after an established peace; and the interest of the money, and also the interest arising from my bonds and notes, shall be appropriated towards the support and maintenance of a free school, in a township west of *Fort Massachusetts*, commonly called the West Township, forever; *provided*, the said township shall fall within the jurisdiction of the province of *Massachusetts Bay*; and *provided also*, the Governor and General Court give the said township the name of *Williamstown*; and it is my further will and desire, that if there should remain any monies of the above donation for the school, it be given towards the support of a school in the East Township, where the fort now stands; but in case the above provisos are not complied with, then it is my will and choice, that the interest of the above-mentioned monies be appropriated to some pious and charitable uses, in manner and form as above directed in the former part of this my last Will and Testament.”

Clause in the Will.

And whereas the said executors have further represented, that it may be a matter of doubt and uncertainty whether the township mentioned in the before recited clause, (which is now incorporated by the name of *Williamstown*) has so far fallen within the jurisdiction of the province of *Massachusetts*, now Commonwealth of *Massachusetts*, in the sense of the Testator, as that they might be justified in appropriating the said donation to the support and maintenance of a free school in the same town; and have submitted their duty herein to the determination of this Court, praying that an Act may be passed to declare their duty, and to indemnify them in the execution of the same;

Donation made  
in the clause,  
how to be ap-  
plied.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same,* That the donation made in the clause before recited, ought to be presently applied and appropriated to the use and maintenance of a free school in the town of *Williamstown*, in the county of *Berkshire*, and that in case the said donation shall afford an annual interest more than sufficient for the supporting and maintaining such school in *Williamstown*, then the surplusage be appropriated to the use and maintenance of a free school in the tract of land called by the Testator the East Township, now incorporated by the name of *Adams*, with other lands adjoining, and that the said executors be, and hereby are indemnified in applying and appropriating the said donation to the uses above expressed, and shall be liable to no action or suit in law or equity, on account of such appropriation.

Executors in-  
demnified.

And whereas the said executors have further prayed, that for carrying into complete execution the intention of the Testator, a corporation may be created and vested with such powers as may be necessary for that purpose :

Trustees ap-  
pointed and in-  
corporated.

SECT. 2. *Be it therefore enacted by the authority aforesaid,* That *William Williams*, of *Dalton*, *Theodore Sedgwick*, *Woodbridge Little*, *John Bacon*, *Thomson Joseph Skinner*, Esquires, the Reverend *Seib Swift* and *Daniel Collins*, Mr. *Israel Jones* and Mr. *David Noble*, and their successors, to be elected and appointed as hereinafter directed and provided, be, and hereby are incorporated, and shall be a corporation forever, by the name of "The Trustees of the donation of *Ephraim Williams*, Esq. for maintaining a Free School in *Williamstown*;" and that the said Trustees and their successors be, and hereby are vested with all the powers, rights and immunities, which are by law incident to aggregate eleemosynary corporations.

Vested with  
powers.

How many the  
corporation  
shall consist of.

SECT. 3. *And be it further enacted,* That the said corporation shall always consist of a number of not less than seven, nor more than nine persons, excepting only that whenever a vacancy shall happen by the death, removal, refusal or resignation of any member or members, so that the number be reduced to less than the aforesaid number of seven, then the remaining or surviving trustees shall have full power to perform all corporate acts until such vacancy be supplied; and the said trustees shall elect and appoint a clerk of the corporation, who shall fairly enter and record all votes, acts, orders and proceedings, made, done or passed by the trustees; and shall also elect a proper person to be their Treasurer, who shall receive into his hands all monies belonging to the Corporation, and pay out the same pursuant to the order of the Trustees, and shall always keep a fair account of all receipts and payments.

Trustees to e-  
lect a clerk and  
treasurer.

SECT. 4. *And be it further enacted,* That the power of electing and appointing successors in case of the death, removal, refusal



fusal or resignation of any of the Trustees, be, and hereby is vested solely in the Supreme Judicial Court of this Commonwealth; and whenever any of the above-mentioned cases shall happen, the Trustees shall, as soon as conveniently may be, certify the same to the Justices of the said Court, that a successor may be appointed; and the Justices of the same Court are hereby empowered to remove from office and trust, any member of the Corporation who shall, in their judgment, be unfit to hold the same, by reason of incapacity, misdemeanor, negligence, or breach of trust.

And to the intent that the said donation may not be wasted, mismanaged, or perverted from its original intention :

SECT. 5. *Be it further enacted by the authority aforesaid,* That the said Corporation, and the donation itself, shall always be under the visitation and direction of the Supreme Judicial Court, who are hereby empowered to visit the said Corporation, to rectify all abuses, to determine all matters of doubt or dispute touching the duty of the Trustees, and the use, application or appropriation of monies or interests to the same donation belonging; and to make all such orders and regulations with respect to the use, management and appropriation of the same donation, and every part thereof, as they shall judge necessary or useful in order to promote the best interest of the school, according to the true meaning and intention of the Testator, and such laws of this Commonwealth as may be in force respecting the same; and the said Court, whenever they shall judge necessary, shall cause the said Trustees to come before them, either to render an account of expenditures and dispositions of monies, or to answer for any mismanagement or breach of trust; and the Trustees shall appear and lay their accounts, papers, records and corporation books before the said Court for inspection, whenever they shall be required thereto.

SECT. 6. *And be it further enacted,* That the said Trustees and their successors forever, shall have the possession, management and disposition of the whole interest and estate, real and personal, which is contained in and given, bequeathed, devised or disposed of by the above recited clause in the Will aforesaid, and they are hereby empowered and directed, as soon as conveniently may be, to erect and maintain a free school within the said town of *Williamstown*, for the instruction of youth, in such manner as most effectually to answer the pious, generous and charitable intention of the Testator, and agreeable to such orders and directions as they may from time to time receive from the Supreme Judicial Court; and they are hereby empowered to appoint and employ such instructors, masters, and officers, as shall be necessary for that purpose.

And to the intent that the said Trustees may be enabled, in the most easy and expeditious manner, to receive into their own

Power of electing successors, in case of the death, &c. of any Trustee, vested in the Supreme Judicial Court.

Empowered to remove any member in their judgment unfit.

Corporation, &c. to be under the direction of the Supreme Judicial Court.

Empowered to cause the trustees to come before them.

Trustees to have possession, &c. of the whole estate given in the Will.

Empowered to erect a school, employ instructors, &c.

own possession and management the whole estate, property and interest contained in the aforesaid donation :

SECT. 7. *Be it further enacted by the authority aforesaid,* That the said executors shall, at the request of the Trustees, make and execute to the said Trustees a deed or deeds of conveyance of all such lands or real estate as belong to said donation, and yet remain unsold, in which deed or deeds it shall be expressed, that the executors do grant to the Trustees the right, estate and interest of the Testator, and of themselves, in and to the described lands or tenements ; and the said deed or deeds so made and executed, being acknowledged and registered according to law, shall be good and effectual, to pass the fee of such lands or tenements to the Trustees and their successors forever ; and the said executors shall deliver over into the hands of the Trustees at their request, all such personal securities or mortgages as the executors now have in their own hands, and which are a part of the same donation ; all which securities, whether bonds, promissory notes, mortgage deeds, or of what name or description soever, being endorsed with the name of the said executors, or one of them, and delivered as aforesaid, shall become the property of the Trustees to all intents and purposes ; and they are hereby empowered, in the name of the Corporation, to bring any action or actions against the obligors, promisors, mortgagors or tenants, for recovering the contents of the same securities, or possession of mortgaged estates, which action or actions shall be holden to be good and valid in law for that purpose, as if the securities or mortgage deeds had been originally made to the Trustees by their corporate names.

And whereas the Testator has directed, that in case his principal donation should afford an interest more than sufficient for the support and maintenance of the school in *Williamstown*, the surplusage should be improved to the use of a school in the East Township, now called *Adams*, in the said county of *Berkshire* ; and whereas questions and disputes may arise touching the meaning and extent of this part of the Will, and when there may be said to be a surplusage beyond what should be necessary, according to the intent of the Testator, for the support of the school in *Williamstown* :

SECT. 8. *Be it further enacted,* That in case of such surplusage, the said Trustees are hereby empowered and directed to use and employ the same for erecting and supporting a free school in the said town of *Adams*, in the same manner as has been in this Act before provided in respect of the school in *Williamstown* ; and that all questions and disputes that may arise concerning such surplusage, and the duty of the Trustees in respect of the several schools, shall be determined by the Supreme Judicial Court ; and the Trustees shall always conform their conduct and administration herein, to such orders and determinations as shall from time to time be made by the same Court.

SECT.

SECT. 9. *And be it further enacted,* That the Supreme Judicial Court may at their discretion exercise all the powers vested in them by virtue of this Act, at any of their sessions holden within the counties of *Berkshire* or *Hampshire*; and in all trials at law the Court *ex officio* shall take notice of this Act, and the same shall be holden as a public Act to all intents and purposes whatsoever, and the same shall be given in evidence under any general issue.

Discretionary powers vested in the Supreme Judicial Court.

[This Act passed March 8, 1785.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Charles River*, between *Boston* and *Charlestown*, and supporting the same during the Term of forty Years.

Enabled to hold real estate to the amount of forty thousand dollars.  
Act, Mar. 28, 1793. Additional Act, June 20, 1803.  
Preamble.

**W**HEREAS the erecting a bridge over *Charles River*, in the place where the ferry between *Boston* and *Charlestown* is now kept, will be of great public utility, and *Thomas Russell*, Esq. and others, having petitioned this Court for an Act of incorporation to empower them to build the said bridge, and many persons under the expectation of such an Act, have subscribed to a fund for executing and completing the aforesaid purpose :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Hon. *John Hancock*, Esq. *Thomas Russell*, *Nathaniel Gorham*, *James Swan*, and *Eben Parsons*, Esquires, so long as they shall continue to be proprietors in the said fund, together with all those who are, and those who shall become proprietors to the said fund or stock, shall be a corporation and body politic, under the name of "The Proprietors of *Charles River Bridge*;" and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things which bodies politic may, or ought to suffer or to do; and that the said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Proprietors incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *John Hancock*, *Thomas Russell*, *Nathaniel Gorham*, *James Swan*, and *Eben Parsons*, Esq's. or any three of them, may, by advertisement in any two of the *Boston* news-papers, warn or call a meeting of the said proprietors, to be holden at *Boston* or *Charlestown* aforesaid, at any suitable time after fifteen days from the publication of the said advertisement; and the said proprietors, by a vote of the majority of those present or represented at the said meeting, (accounting and allowing a vote to each share in all cases) shall choose a clerk, who shall be

Empowered to call meetings.

To establish  
necessary rules  
for regulating  
the Corpora-  
tion, &c.

Proviso.

Rules, regula-  
tions and votes,  
to be recorded  
by their clerk,  
subject to in-  
spection.

Toll establish-  
ed.

Toll to con-  
tinue 40 years.  
Enlarged to 70  
years, Mar. 9,  
1792.

be duly sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings, and at the same or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said corporation, effecting, completing and executing the purposes aforesaid, or for collecting the toll herein-after granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *four pounds*, provided the rules and regulations aforesaid are not repugnant to the constitution or laws of the Commonwealth; and the said proprietors may also choose and appoint any other officer or officers of the corporation that they may deem necessary, and all representations at the said meetings shall be proved by a special appointment in writing, signed by the person making his representative, which shall be filed with or recorded by the clerk; and this act, and all rules, regulations and votes of the said corporation, shall be fairly and truly recorded by their said clerk, in a book or books for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the legislature.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the purpose of re-imburfing the said proprietors the money expended, or to be expended in building and supporting the said bridge, a toll be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following, *viz.* Each foot-passenger (or one person passing) two-thirds of a penny; one person and horse, two-pence two-thirds of a penny; single horse-cart, or sled or sley, four-pence; wheelbarrows, hand-carts, and other vehicles capable of carrying like weight, one penny one third of a penny; single horse and chaise, chair or fulkey, eight-pence; coaches, chariots, phaetons and curricles, one shilling each; all other wheel-carriages or sleds drawn by more than one beast, six-pence; sleds drawn by more than one beast, six-pence; neat cattle and horses passing the said bridge, exclusive of those rode, or in carriages or teams, one penny one-third of a penny; swine and sheep, four-pence for each dozen, and at the same rate for a greater or less number; and in all cases the same toll shall be paid for all carriages and vehicles passing the said bridge, whether the same be loaded or not loaded; and to each team, one man and no more shall be allowed as a driver, to pass free from payment of toll; and in all cases double toll shall be paid on the Lord's day; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open. And the said toll shall commence at the day of the first opening of the said bridge for passengers, and shall continue for and during the term of forty years from the said day, and be collected as shall be prescribed by the said corporation.

SECT.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said bridge shall be well built, at least forty feet wide, of sound and suitable materials, with a convenient draw or passage way, at least thirty feet wide, and at a proper place, with well-constructed, substantial piers on each side, and well planked on the top and sides with plank, proper for such a bridge; and the same shall be kept in good, safe and passable repair, for the term aforesaid, and at the end of the said term, the said bridge shall be left in like repair: And the said proprietors shall constantly keep the said bridge accommodated with at least twenty good lamps on each side the same, which shall be well supplied with oil, and lighted in due season, and kept burning till twelve of the clock at night; and also at the several places where the toll shall be received, they shall erect and constantly expose to open view, a sign or board with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters; and the draw shall be lifted for all ships and vessels without toll or pay, except such as usually pass under Cambridge bridge, and those passing for pleasure.

Manner in  
which the  
Bridge shall  
be built.

How accom-  
modated.

SECT. 5. *And be it also further enacted by the authority aforesaid,* That after the said toll shall commence, the said proprietors or corporation shall annually pay to *Harvard College* or *University*, the sum of two hundred pounds, during the said term of forty years; and at the end of the said term, the said bridge shall revert to and be the property of the Commonwealth, saving to the said College or University, a reasonable and annual compensation for the annual income of the ferry, which they might have received had not said bridge been erected.

Sum allowed  
Harvard - Col-  
lege, annually.

At the end of  
40 years, the  
Bridge to re-  
vert to the  
Common-  
wealth.

SECT. 6. *And be it further enacted,* That if the said proprietors shall refuse or neglect, for the space of three years after the passing of this Act, to build and complete the said bridge, then this Act shall be void and of no effect.

[This Act passed March 9, 1785.]

An ACT for incorporating a certain Tract of Land, situate between the Rivers of *Great and Little Ossapee*, in the County of *York*, which was settled by *Thomas Parsons* and his Associates.

WHEREAS the inhabitants of the said tract of land have represented to this Court, that at great labour and expence they have severally settled the said tract; but by reason of their unincorporated state, are not in a capacity to raise money necessary for repairing roads, and supporting the preaching of the gospel, and schools, nor of answering the demands that may arise for their proportion of the public taxes:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the tract of land aforesaid, bounded as follows,

*viz:*

*Boundaries.* viz. Beginning at *Great Offapee* river, where the province line (so called) between *New-Hampshire* and the late province of *Maine*, crosses the said river; thence running south, eight degrees west, by the said line, to the top of a mountain three-quarters of a mile south of a pond, called *Province Pond*; thence east, eight degrees south, by a spotted line, to an elm tree spotted, near a small frog-pond; thence north, eight degrees east, by a spotted line, to the bank of *Great Offapee* river; thence westerly by the said river to the bounds first mentioned, containing by estimation thirty-six square English miles, be and hereby is erected into a town, by the name of *Parsonsfield*; and that the inhabitants thereof be, and they hereby are vested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

*Simon Frye, Esq. to call a meeting.* SECT. 2. *And be it further enacted*, That *Simon Frye, Esq.* be, and he hereby is empowered to issue his warrant to some principal inhabitant of the said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of *March*, annually.

*Proviso.* SECT. 3. *Provided always*, That this Act shall be so construed, any thing therein to the contrary notwithstanding, as not to affect the claim of this Commonwealth, or other corporate body, or of any private person whatever, to the said tract of land, or any part thereof, if any such claim exists.

[This Act passed *March 9, 1785.*]

### An ACT for incorporating the northerly Part of the Town of *Cumington* into a District by the Name of *Plainfield*.

*Preamble.* WHEREAS it appears to this Court, that the inhabitants of the northerly part of *Cumington* are exposed to great inconveniencies in attending public worship, by reason of their distance from the meeting-house in the said town. And whereas the said inhabitants have earnestly requested to be incorporated into a separate district:

*Plainfield incorporated, and vested with powers.* SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the aforesaid northerly part of *Cumington*, be, and it hereby is (by a line drawn through the centre of the said town, from east to west) incorporated into a district by the name of *Plainfield*; and that the inhabitants of the said district be vested with all the powers and privileges which the inhabitants of districts within this Commonwealth do or may enjoy.

SECT.

SECT. 2. *Provided always, and be it further enacted,* That the inhabitants aforesaid shall be held to pay their proportionable part of all taxes which have heretofore been granted by, or assessed on, the said town.

Inhabitants held to pay taxes already granted.

SECT. 3. *Be it further enacted by the authority aforesaid,* That *Nahum Ager*, Esq. be, and he is hereby empowered to issue his warrant to some principal inhabitant of the said district, requiring him to warn the inhabitants thereof, qualified to vote as the law directs, to meet at such time and place as he shall think fit, to choose all such officers as districts are by law authorized to choose in the month of *March*, annually.

Nahum Ager, Esq. to call a meeting.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said district shall forever retain, hold and enjoy one full third part of all the public lands which now belong to the said town of *Cumington*.

Inhabitants to retain a part of public lands.

[This Act passed March 16, 1785.]

## An ACT for dividing the Town of *Granville* into three separate Parishes.

**W**HEREAS for the convenience of attending the public worship of God, it is found necessary to divide the town of *Granville* into three separate parishes; and the inhabitants thereof having applied to this Court for that purpose:

Preamble:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said town of *Granville* be, and is hereby divided into three separate parishes, by the several names of the East, Middle and West parish of *Granville*, by the following lines, *viz.* The lines between the east and middle parish to begin at *Hartland* line, at the brook called *Great-Valley-Brook*, to run northwardly by the said brook to the great-valley bridge; then from the said bridge northwardly, to a bridge over the said brook, on the north road, so called; from thence to the south-east corner of *John Webb's* land; thence on the said *Webb's* line to *Blanford* line. The line between the middle and west parish to begin at the dividing line between *Hartland* and *Granville*, at the centre between the road which leads from Colonel *Robinson's* to *Hartland* meeting-house, and that which leads from *Moses Golf's* to the said *Hartland* meeting-house; from thence running northwardly a straight line, to the middle of the bridge over *Hubbard's River*, on the county road; from thence running northwardly to *Blanford* line, in a centre line between the two roads, *viz.* one leading from *Timothy Robinson's* to *Thomas More's*, the other leading from *Samuel Hall's* to *Louden*.

Line between the east and middle parish.

Line between the middle and west parish.

SECT. 2. *Be it further enacted,* That the meeting-house, ministry lands, and the rents due for use of the said lands lying in the east parish in the said *Granville*, shall belong to and be for the use and benefit of the said parish.

What lands, &c. shall belong to the east parish.

What shall be-  
long to the west.

SECT. 3. *And be it further enacted*, That all the lands given by the proprietors for the support of the gospel for the west parish, shall belong to and be for the use and benefit of the said west parish, together with all the proceeds of the sale of the said lands, or any other monies or securities for money that may have been given to the inhabitants of the said parish.

Parishes invest-  
ed with pow-  
ers.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the several parishes aforesaid be, and hereby are respectively invested with all the powers, rights, privileges and immunities, which other parishes in this Commonwealth are invested with.

Oliver Phelps,  
Esq. to call a  
meeting in each  
parish.

SECT. 5. *And be it further enacted by the authority aforesaid*, That *Oliver Phelps*, Esq. be, and is hereby authorized and empowered, to issue his warrant to some principal inhabitant of each of the said parishes, requiring them to notify and warn the inhabitants of the said parishes to which they respectively belong, to meet at such time and place in each of the said parishes, as by the said warrants shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of the said parishes respectively. And the inhabitants qualified by law to vote being so assembled, shall be and are hereby empowered to choose officers in their respective parishes accordingly.

[This Act passed *March 17, 1785.*

An ACT to prevent Damage being done by Neat Cattle and Horses on *Pocha-Beach*, in the Town of *Eastham* and Meadow thereunto adjoining.

Preamble.

**W**HEREAS it appears to this Court by the representation of the proprietors in the south part of the town of *Eastham*, that the turning out of cattle and horses on the beach called *Pocha-Beach*, and on the meadow thereunto adjoining, lying in the south part of the town of *Eastham*, doth greatly endanger the loss of the said meadow: To prevent which,

Persons turn-  
ing out cattle,  
&c. at large.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,

Penalty.

That after the passing of this Act, if any person or persons shall turn out any of his or their cattle or horses to go at large, on any part of the aforesaid beach or meadow, at any time between the first day of *April* and the last day of *November*, yearly, he or they shall forfeit and pay for each offence, *ten shillings* a head for every neat beast or horse kind of one year old, or upward, that shall be found going at large on the aforesaid beach and meadow, within the limits of the said propriety; which penalty shall be recovered by such person or persons as shall be appointed by said proprietors, to sue for and recover the same in any Court proper to try such cause.

SECT.



SECT. 2. *And be it further enacted,* That if any cattle or horse kind shall, at any time after the passing of this Act, be found at large on the aforesaid beach or meadow, it shall and may be lawful for such person as the said proprietors shall appoint, forthwith to impound all such cattle or horses (found as aforesaid) in the town's pound, in *Eastham*; whereupon he shall immediately give notice thereof to the owner or owners, if known, otherwise shall give public notice thereof in writing, by posting up the said notice of impounding such creatures, in *Eastham*, *Harwich*, and *Chatbam*, in some public place in each of the said towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner or owners thereof appear to redeem his, her or their impounded creature or creatures, he or she shall pay *two shillings* to the impounder for each neat beast or horse kind; and to the pound-keeper, reasonable cost for relieving such creatures, besides the fees established by law for each neat beast or horse kind so impounded; and the further sum of *ten shillings* such owner shall pay into the hands of the clerk of said propriety within four days after such redemption, being the penalty before prescribed in this Act, or be subject to the suit of such person as shall be appointed as before provided, to sue for and recover the same by action of debt before any Justice of the Peace in the county of *Barnstable*. And if no owner appear within the space of five days to redeem such cattle or horse kind so impounded, and to pay the cost occasioned by impounding the same, then, and in every such case, the person impounding such creature or creatures shall cause the same to be sold at public vendue, and pay the cost and charges thereby arising; public notice of the time of such sale to be given in said town of *Eastham*, and in the towns of *Harwich* and *Chatbam*, forty-eight hours at least beforehand; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature or creatures so sold, at any time within twelve months next after, or upon his demanding the same; but if no owner appear within said twelve months, then the said overplus shall be one half to the party impounding any such cattle or horse kind, and the other half to the use of the poor in the town of *Eastham*.

Cattle, &c.  
found at large,  
to be impound-  
ed.

No owner ap-  
pearing within  
five days, the  
person im-  
pounding such  
creatures shall  
cause the same  
to be sold.

Overplus aris-  
ing by such sale,  
how applied.

SECT. 3. *And be it further enacted,* That the proprietors aforesaid, at a meeting legally warned for that purpose, shall choose one or more meet person or persons belonging to their propriety, whose duty it shall be to see to the due observance of this Act, and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *forty shillings*, for the use of the poor in said town of *Eastham*; and upon such refusal, the said proprietors shall from time to time proceed to a new choice of

Proprietors to  
choose meet  
persons to see  
to the obser-  
vance of this  
Act.

of such officer or officers, until one or more person or persons will serve therein.

[This Act passed June 14, 1785.]

An ACT for annexing a Gore of Land lying between the Towns of *Worcester* and *Sutton*, to the Town of *Worcester*.

Boundaries.

Annexed  
to  
Worcester.

*BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the gore of land lying in the county of *Worcester*, and between the towns of *Worcester*, and *Sutton*, bounded as follows, viz. Beginning at the southeasterly corner of the town of *Worcester*, from thence running southerly on a right line until it comes to the northeast corner of the farm which formerly belonging to *Isaac Merse*, thence running south five degrees west, eighty-seven perch, on the easterly side of said farm, to a stake and stones on *Sutton* line; from thence running westerly on said line, to a white-oak tree, being the southwest corner of *John Goddard's* land; thence running northerly on *Ward* town-line until it comes to *Worcester* line; thence easterly on said *Worcester* line, to the first mentioned bound, together with all the inhabitants residing on said gore of land, be, and hereby are annexed to the town of *Worcester*, there to do duty and receive privileges equal to the other inhabitants of said town.

[This Act passed June 14, 1785.]

An ACT for incorporating a certain Tract of Land lying in the County of *Hampshire*, being Part of the Towns of *Northampton* and *Southampton*, into a District, by the Name of *Easthampton*.

Preamble.

*WHEREAS* a number of the inhabitants of a tract of land being part of the towns of *Northampton* and *Southampton*, in the county of *Hampshire*, have petitioned this Court to be incorporated into a separate district, for reasons set forth in their petition; and it appearing to this Court that it is expedient that the said tract of land, with the inhabitants thereon, (except as is hereinafter excepted) be incorporated:

Boundaries of  
lands taken  
from North-  
ampton.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands taken from *Northampton*, described as follows, viz. Beginning in *Northampton*, on *Connecticut River*, at the dividing line between the lots of *Abner Barnard* and *Jonathan James*, in that part of the common field called *Hog's Bladder*; from thence running in the course of the dividing line

line aforefaid acrofs *Danks's Pond*; from thence on by the faid pond to the dividing line between *Joel Hannum* and *James Hurlbert's* land; from thence on the fame line to the highway; from thence on the fame highway to the fouth fide of the lot, in the little divifion originally laid out to *John King*, and upon the fame line to the dividing line between the *Lovefield* and *Hatefield* tier, in the faid divifion; from thence on the north fide of the original lot in the *Hatefield* tier, laid out to Captain *Clap*, to the *Westfield* road; from thence to the north fide of the lot in the long divifion, laid out to *Nathaniel Phelps*, and upon the fame line to *Westhampton*, and in the dividing line between *Northampton* and *Westhampton* to *Southampton* line; and on the line between *Northampton* and *Southampton* to *Springfield* line; and on the dividing line between *Northampton* and *Springfield*, to the line between the eaft and weft tier of lots in the mountain divifion in *Northampton*; and from thence on the dividing line between the faid tiers, to the northerly fide of *Elifha Janes's* land, near the barn of *Asabel Parsons*; from thence on land of the faid *Asabel* to the fouth fide of *Joel Parsons's* lot; from thence to *Connecticut River*, and up the faid river to the firft described ftation.—And that the lands taken from *Southampton* described in the following manner—Beginning on the dividing line between *Northampton* and *Southampton*, at the weft branch of *Munban River*, between the lands of *John Hannum* and *Elijah Pomeroy*; thence running down the faid river to the turn thereof, a little above the bridge; thence croffing the faid river to a road; then by the fame road to the fouth fide of *Enos Pomeroy's* land; then between the faid land and the land of the heirs of *Joshua Pomeroy*, to the fouth branch of *Munban River*; then up faid river to another piece of land of faid *Joshua Pomeroy's* heirs; then by the fouthwesterly line of the land of *Benjamin Clap*, between faid *Clap's* land, and land by him fold to *William Baldwin*, to the highway; then by the faid highway to the fouthwesterly fide of the land of faid *Clap*, at *Wilton's meadow*; then by the fouthwesterly fide of faid land to the land of *Aaron Clap*; and then by faid *Aaron Clap's* fouthwesterly line to *Westfield* road, (excepting that *Elijah Pomeroy*, *Caleb Pomeroy*, *Moses Bartlett* and *Preserved Bartlett's* heirs, with their lands, are to remain to *Southampton*; and the lands within the tract aforefaid belonging to *Elias Lyman*, *Elias Lyman, jun.* *Joel Lyman*, *Jonathan Lyman*, *Samuel Fudd*, *Simcon Fudd*, *John Alvord, jun.* *Daniel Masters*, *Jeshiah Wait*, *Abijah Wait*, *Asabel Parsons*, *Jonathan Parsons*, and *Ephraim Parsons*, are to remain to *Northampton*) together with the inhabitants thereon, be, and they are hereby incorporated into a diftrict, by the name of *Easthampton*, and invested with all the powers, privileges and immunities, that diftricts in this Commonwealth are entitled to, or do or may enjoy, according to law.

Lands taken  
from South-  
ampton.

Easthampton  
incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Robert Breck, Esq. be, and he is hereby empowered to issue his warrant directed to some principal inhabitant within the said district of *Easthampton*, directing him to warn the inhabitants of said district qualified to vote in town affairs, to assemble at some convenient time and place in the same district, to choose all such town or district officers as by law are to be chosen annually in the month of *March*.

SECT. 3. *Provided nevertheless,* The inhabitants of the said district of *Easthampton*, which were before the passing this Act inhabitants of any other town or place, shall pay their proportionable part of all such town, county and state taxes, as are already assessed or levied on them by the towns where they usually were taxed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said district shall have liberty, from time to time, to join with the town of *Northampton* in the choice of a Representative; and they shall accordingly be notified of the time and place of election in like manner with the inhabitants of said town of *Northampton*, by a warrant from the selectmen of said town, directed to a constable or constables of said district, requiring him or them to warn the inhabitants to attend the meeting at the time and place assigned, which shall be seasonably returned by said constable or constables; and the Representative or Representatives may be chosen indifferently from said town and district; the pay or allowance to be borne by the town or district, in proportion as they shall pay from time to time to the State tax.

SECT. 5. *Provided likewise,* That said district give up all their right in any of the town lands, monies and obligations to which the inhabitants of said district were entitled, within the towns of *Northampton* and *Southampton*.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all right of entry and right of action in, to, or for the recovery of any lands or real estate within the limits of the said district, which before and until the passing of this Act the towns of *Northampton* and *Southampton* were vested with, shall accrue and enure by this Act, unto the inhabitants of the said district; and they the said inhabitants of said district shall, to all intents and purposes, be vested with the said right of entry and right of action forever.

[This Act passed June 17, 1785.]

AN ACT for erecting the westerly Part of the Town of *Westminster*, the southwesterly Part of *Ashburnham*, the southeasterly Part of *Winchendon*, and the easterly Part of *Templeton*, in the County of *Worcester*, into a Town, by the Name of *Gardner*.

**W**HEREAS the inhabitants of the westerly part of the town of *Westminster*, the southwesterly part of the town of *Ashburnham*, southeasterly part of the town of *Winchendon*, and the easterly part of the town of *Templeton*, in the county of *Worcester*, have represented to this Court the difficulties they labour under in their present situation, and request that they may be incorporated into a separate town, and it appearing to this Court proper to comply with their said request :

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the westerly part of the town of *Westminster*, southwesterly part of the town of *Asheburnham*, southeasterly part of the town of *Winchendon*, and the easterly part of the town of *Templeton*, in the county of *Worcester*, bounded as follows, viz.—Beginning at the west corner of the town of *Westminster*, running southeasterly on the town line on *Templeton* and *Hubbardston*, to the southeasterly corner of lot No. thirty-two, third division; thence running northeasterly, straight to the southeasterly corner of lot No. ninety-one, second division; from thence, upon the line between lots No. ninety-one and ninety-two, to *Asheburnham* town-line; thence running southwesterly on *Asheburnham* line to the northeast corner of lot No. fifty-five, second division, in *Asheburnham*; thence by the northeasterly line of said lot to the north corner of the same; from thence straight to the northeast corner of lot No. forty-five, second division; from thence on the north line of the same, to the northwest corner on *Winchendon* line; from thence northeasterly on said line, to the northeast corner of lot No. fifteen, second division, on *Asheburnham* line; from thence southwesterly on a straight line, to the northwesterly corner of lot No. one hundred and sixty, on *Templeton* line; from thence southeasterly on said line, to the southeast corner of lot No. eighty-four, second division; from thence on the southerly line of said lot, to *Otter River*, so called; from thence up said river, to *Westminster* town-line; from thence on said line, to the first mentioned corner, be, and they hereby are erected into a town, by the name of *Gardner*; and the inhabitants thereof hereby are invested with all the powers, privileges and immunities, which the inhabitants of other towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted,* That where the lots that Owners of lots  
are now fettered are cut by the above lines, every owner of such cut by the  
lot shall be holden to pay taxes for the whole of such lot, to lines held to  
that

pay taxes to  
the town in  
which their  
houses now  
stand. Proviso.

that town in which his house now stands. *Provided nevertheless,* If any owner of such lot shall return a certificate into the Secretary's office, within six months after the passing of this Act, expressing his desire to belong, with his said lot, to the other town, such lot, and the owner thereof, shall forever afterwards be holden to pay taxes to the other town accordingly.

Inhabitants  
shall pay taxes  
of all taxes already granted.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town shall pay their proportion of all taxes already granted, to be raised in the several towns from which they were respectively taken.

Nicholas Dyke,  
Esq. to call a  
meeting.

SECT. 4. *And it is further enacted,* That *Nicholas Dyke, Esq.* be, and he hereby is empowered to issue his warrant directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town to assemble and meet at some suitable time and place in said town, to choose all such officers as towns by law are required to choose, at their annual town-meeting, in the month of *March*.

[This Act passed June 27, 1785.]

An ACT for incorporating certain Lands belonging to a number of Inhabitants of the Town of *Springfield* lying on the *Pine Plain*, in said Town.

Preamble.

**W**HEREAS application hath been made to this Court, by the petition of *Thomas Dwight*, for himself and in behalf of the persons hereafter named, *viz. Moses Blifs, Esq. Ebenezer Warriner, Timothy Blifs, Joseph Clough, William Pynchon, Esq. Alexander Blifs, Aaron Warriner, Jacob Cooley, Charles Brewer, Elam Burt, John Asbley, Luke Blifs, David Asbley, Andrew Colton, Preserved White, George Pynchon, Edward Stebbins, Solomon Ferre, and Thomas Bates*, representing, that they are the proprietors of certain parcels of land on the Pine Plains (so called) in said *Springfield*, lying contiguous each to the other, which are now without fence or inclosure, and on that account subjected to damage and rendered of little value to them; and praying that said lands (containing about seven hundred acres) may be erected into one common and general field, as included, when collectively taken, within the following description and boundaries, *viz.* The tract of land lying in said *Springfield*, on the south side of the highway leading from *Springfield* to *Wilbraham*, called the sixteen acre road, and bounding northerly thereon, lying also west of the brook called *Stonepit Brook*, north of *Mill River* meadow, bounding south thereon, and the fence inclosing the said meadow; lying also east of a town-way, leading from *Boston* road to the highway which leadeth by the house of *David Asbley*, and bounding west on said town-way; also bounding east on a lot of land owned by *Elisba Ferre*, lying a little west of said *Stonepit Brook*: Therefore,

SECT.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands aforesaid, being all the lands included within the description and boundaries aforesaid, be, and hereby are incorporated into one common and general field; and the proprietors and owners of the said lands are hereby invested with all the powers and privileges which the proprietors of lands in general fields by law are invested withal.

Lands described incorporated into one general field.

SECT. 2. *And be it further enacted,* That each and every of the proprietors aforesaid may be at full liberty at any and all times hereafter, to inclose and improve by themselves, any of their lands lying within the limits aforesaid, as if such Act of incorporation had not been made; they maintaining their respective proportions of the general fence around the same.

Proprietors may be at liberty to inclose and improve lands, &c.

[This Act passed June 27, 1785.]

An ACT to prevent Damage from Fire being communicated from Chocolate-Mills and Machines for roasting Cocoa, in the Town of *Boston*.

**W**HEREAS chocolate-mills and machines for roasting cocoa have been erected in the town of *Boston*, near to other buildings, to the great hazard of the lives and property of the inhabitants of the said town:

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person, from and after the fifth day of *July* next, shall, within the said town, roast or cause to be roasted any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose by the major part of the selectmen of the town aforesaid, and two Justices of the Peace for the county of *Suffolk*, *quorum unus*, he shall forfeit and pay, for every such offence, a sum not exceeding *one hundred* nor less than *fifty pounds*.

[This Act passed June 30, 1785.]

An ACT incorporating certain Lands in *West-Springfield*, into a common Field.

**W**HEREAS *Jonathan Smith, Aaron Day, Caleb Parsons, Benjamin Day, Esq. Joseph Mirick, Elijah Day, David Mason, Jonathan White, Ebenezer Day and Justin Ely, Esq.* all of *West-Springfield*, proprietors of a certain tract of land there, being the northwardly part of the ancient common field, have petitioned that the said lands may be incorporated into a common field, as they are included in the following lines:—Beginning

Preamble and Boundaries.

ginning at the southerly corner of *John Ely's* inclosed land the north side of the road, that leads from Captain *Gideon Leonard's* ferry, across *Connecticut River*, to the bridge over *Agawam River*, to extend northwardly on *John Ely's* fence, there to the northwest corner of his said inclosed land, thence turning east a few rods on the said fence, until it comes to Colonel *Benjamin Day's* fence there; thence turning northerly, and continuing on said fence until it comes to Dr. *John Van Horne's* fence or ditch; thence turning and running westward on the said fence to *Cold-Spring*, so called, and keeping the same course nearly, on the ditch, the south end of *Ebenezer Day's* and Captain *Abel Cooley's* land to the southwest corner of said land, thence turning northwesterly on the range of said *Cooley's* ditch, until it comes to the southwest corner of Deacon *Jonathan White's* home lot; thence turning southwardly the east side of the road that goes to the bridge over *Agawam River*, until it comes near the northwest corner of *Samuel Leonard's* pasture there; thence turning easterly, and running on the north side of the highway that leads from the aforesaid bridge, to Capt. *Gideon Leonard's* ferry, to the first bounds:

Incorporated &  
invested with  
powers.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands aforesaid be, and they hereby are incorporated into one common and general field; and the proprietors and owners of the said lands, are hereby invested with all the powers and privileges, that the proprietors of lands in general fields by law are invested withal.

*And whereas Timothy Day*, one of the proprietors of the said lands, hath not joined in the application for the incorporation thereof, but has declined consenting thereto:

Timothy Day  
not holden as a  
proprietor.

SECT. 2. *Therefore be it enacted,* That the said *Timothy Day*, shall not be holden as one of the proprietors of the said field, to contribute to the making the general fence around the said field, nor be subjected to the votes of the other proprietors thereof, in regard to the lands he now owns there, whenever, and so long as he shall inclose and improve the same in severalty, or shall not improve the same under the protection and security of the common fence, with the rest of the proprietors in general, any thing in the foregoing paragraph to the contrary notwithstanding.

Proprietors at  
liberty to inclose  
their lands,  
&c.

SECT. 3. *And be it further enacted,* That each and every of the petitioning proprietors aforesaid, shall in future be at full liberty to inclose and improve by themselves, any of their lands lying within the limits aforesaid, in the same manner, and with the same privileges as are above reserved to the said *Timothy Day*.

[This Act passed October 28, 1785.]

An



An ACT for naturalizing *Paul Beltrémieux*.

**W**HEREAS *Paul Beltrémieux*, late of *Rochele*, in the kingdom of *France*, and now residing in *Newburyport*, in the county of *Essex*, and Commonwealth aforesaid, hath petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Paul Beltrémieux*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he, the said *Paul* had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the said oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

[This Act passed November 22, 1785.]

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An ACT for naturalizing *William Bond*.

**W**HEREAS *William Bond*, late of *Devonshire*, in Great-Britain, goldsmith, now residing at *Falmouth*, in the county of *Cumberland*, and Commonwealth of *Massachusetts*, has petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *William Bond*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace of the county where he dwells, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he, the said *William*, had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

SECT. 2. *And it is further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be entered in a book to be kept for that purpose.

[This Act passed November 23, 1785.]

AN ACT to set off Part of the Town of *Ipswich*, and to annex it to the Town of *Rowley*.

Preamble.

**W**HEREAS it appears reasonable that *Moses Bradstreet*, and others, on the northeasterly part of *Ipswich*, should be set off from said town of *Ipswich*, and annexed to the town of *Rowley* :

Part of Ipswich  
set off.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of said town of *Ipswich* that lies within the lines hereafter mentioned, beginning on the line between *Rowley* and *Ipswich*, at a certain fence between land of *Nathan Lambert* and land of *John and Timothy Harris*, running easterly, as the fence now stands, till it comes to a ditch in the marsh, and by said ditch till it comes to *Rowley* river ; thence northeasterly by said river till it comes to the line between *Ipswich* and *Rowley* ; thence by said line till it comes to the bound first mentioned, with the inhabitants thereon, shall be, and hereby are set off from the town of *Ipswich*, and annexed to the town of *Rowley*.

Proviso.

SECT. 2. *Provided nevertheless*, The proprietors of the lands set off from the town of *Ipswich* as aforesaid, shall be held to pay to the Treasurer of the said town *sixty-five pounds*, in full of all demands, according to agreement.

[This Act passed November 29, 1785.]

AN ACT for incorporating certain Lands in *West-Springfield*, in the County of *Hampshire*, into a common Field.

Preamble.

**W**HEREAS *Abraham Burbank, Esq. Gideon Mosley, Rufel Leonard, Jesse McIntire, Major Samuel Flower, George McIntire, Reverend Sylvanus Griswold, Abraham Ripley, Joslin Grainger, Aslin Leonard, John Leonard, Joseph Pierpont, William Leonard, Daniel Leonard, Reverend Edward Upham, Ozias Flower, Josiah Grainger, Oliver Leonard, Preserved Leonard, Vinton Leonard, Samuel Palmer, Moses Leonard, Samuel Leonard, Enoch Coper, David White, Abner Leonard, and Gideon Leonard*, have petitioned this Court, setting forth that they are the proprietors of the greatest part of a tract of land lying in said *West-Springfield*, between *Agawam street* and *Feeding-Hills street*, so called, that the same is light, arable land, which will not pay the expense of small inclosures, and praying that the same may be incorporated into a general field, bounded as follows :—To begin the south side of the county road, a few rods west of the dwelling-house of *Samuel Palmer*, above-mentioned, and to run north, twenty-six degrees west, to the corner of *George Leonard's* land, twelve rods, the east side of a twenty-rod road ; then to

Boundaries.

run

run north, forty-five degrees west, on the eastward side of the twenty-rod highway, and on the westward end of sundry ten acre lots, one hundred and eighty rods, to the northwest corner of a lot of land belonging to the heirs of *Patrick Marshal*, deceased; then to run north, eleven degrees east, sixty-six rods, to *Samuel Palmer's* land; then on the westwardly end of said *Palmer's* land on an old ditch, northwestward, fifty-four rods, to a gate near the dwelling-house of *Sandy Onkamore*; then west, forty-one degrees north, by the south side of said *Onkamore's* fence, thirty-five rods; then north, eight degrees east, twenty-eight rods, to land lately owned by *Mr. Kelsey*, to a ditch; then partly on said ditch to run west, thirty-eight degrees north, one hundred and twelve rods; then west, twenty-six degrees north, twenty rods, on a ditch to the *Old Stone Path*, so called; then west, thirty-seven degrees north, on a ditch, twenty rods; then north, thirty-eight degrees west, twenty-four rods, on *Preserved Leonard's* fence, at *Medaneage Grant*; then west, twelve degrees north, twenty rods; then to bound on *Medaneage Grant*, to the west end thereof, forty-two rods; then west, thirty-five degrees south, twenty-eight rods, to a marked staddle, at the corner of a ditch; then west, twenty-five degrees north, on *Preserved Leonard's* ditch, sixty-two rods; then to run eighteen rods to *Agawam River*: then on the southwest side of said river to *Abel Leonard's* land, west of a deep gutter; then to run from the river, south, thirty-one degrees west, between the grants of land owned by *Abel Leonard* and *Daniel Leonard*, deceased, fifty-six rods, to *George McIntire's* land; then west, three degrees north, twenty-two rods on the north side of the said *McIntire's* land; then south, eleven degrees west, by said land, eighteen rods; then south, twenty-three degrees east, fifty-two rods; by said *McIntire's* land; then on the northwardly side of *Austin Leonard's* land, partly on a ditch, seventy rods; then westward, by *George McIntire's* land, sixty rods, to the northeast corner of *Jonathan Loomis's* land; then south, fifteen degrees east, by the said *McIntire's* land, fifty-four rods, to the outward common line; then west, the south side of *Jonathan Loomis's* land, seventy rods, to the county road leading from *Westfield* to *Suffield*; then southwardly, on the east side of said road, three hundred and sixty-seven rods and an half, to a town road near *Austin Leonard's* house; then to run eastward, on the north side of said road, to *Ozias Flower's* barn, being one hundred and twenty rods; then on the northeast side of the said town road, one hundred and fifty-four rods, a little south of the dwelling-house of the Reverend *Edward Upkam*; then east, thirteen degrees south, on a ditch, eighty-five rods; then south, thirteen degrees west, twenty-five rods on a ditch; then east, five degrees and thirty minutes south, by the north side of *Benedict Bliss's* land, eighty-four rods; then north,

north, on the west end of *Sergeant's* land, fifty rods; then east, five degrees and thirty minutes south, on the north side of *Sergeant's* land, one hundred and forty rods, to the inward common line; then to run north on the said line, two hundred and sixty-six rods, to a ditch at the northwest corner of a lot of land owned by the heirs of *Benjamin Leonard*, deceased; then eastward, on the said ditch, thirty-four rods; then southwardly, by the said ditch, thirty-eight rods; then eastward, on the said ditch, the northwardly side of the said lot, eighty-eight rods, to a town road; then to run across the said road to the corner of land owned by *Reuben Leonard*, five rods; then to run eastward by the said *Leonard's* fence, ninety-six rods; then on a ditch, by the said *Reuben Leonard's* land, and *George Leonard's* land, fifty rods, to land of *Enoch Cooper*; then, by the said *Cooper's* land, on a ditch, sixty-four rods, to *Samuel Palmer's* land, at a ditch; then by the westerly side of the said *Palmer's* land, by his fence, one hundred and five rods, to the first mentioned bounds:

Lands incor-  
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands aforesaid, being all the lands included within the lines aforesaid, be, and they hereby are incorporated into one common and general field; and the proprietors and owners of the said lands are hereby invested with all the powers and privileges that the proprietors of lands in general fields by law are vested withal.

Non-petition-  
ing proprietors,  
not obliged to  
contribute to  
the general  
fence, &c.

SECT. 2. *Provided nevertheless, and be it further enacted,* That none of the proprietors of lands included in the limits of the general field aforesaid, and who have not petitioned therefor, shall be obliged, as members of the said corporation or propriety, to contribute to the general fence, or be subjected to the votes of the other proprietors in regard to their lands they now own there, whenever and so long as they shall inclose and improve the same in severalty, or shall not improve and enjoy the same under the protection and security of the same common fence with the rest of the proprietors in general; any thing in the foregoing paragraph to the contrary notwithstanding.

Petitioning  
proprietors at  
liberty to in-  
close by them-  
selves, &c.

SECT. 3. *And be it further enacted,* That each and every of the petitioning proprietors aforesaid, may be at full liberty, at any, and at all times hereafter, to inclose and improve, by themselves, any of their lands lying within the limits aforesaid, as if such Act of incorporation had not been made, they maintaining their respective proportions of the general fence around the same.

[This Act passed *November 30, 1785.*]

An

An ACT for incorporating into a distinct and separate Field, a Tract of Land called *Ball's Swamp*, lying in the Great Field on the west Side of *Connecticut River*, in the ancient Town of *Springfield*, and bounding southerly and easterly on *Agawam River*, northerly on the Brow of a Hill, and westerly on *Ferre's Land*, so called.

**W**HEREAS the proprietors of the said tract of land called *Preamble: Ball's Swamp* as aforesaid, have represented to this Court that the said tract contains about forty acres of choice mowing land, and that the same is so peculiarly situated that it may be inclosed by itself with very little expense, saving on the west side, and that the profits of the same would be greatly increased to them by having the same incorporated into a distinct and separate field, and prayed that the same may be incorporated accordingly: *Therefore,*

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* Ball's Swamp incorporated. That the said tract of land called *Ball's Swamp*, lying and bounding as aforesaid, be, and hereby is erected into a distinct and separate common field; and that the owners and proprietors of the lands there, be, and hereby are invested with all such powers as the proprietors of lands lying in common fields, in this State, are in general by law invested with.

SECT. 2. *Provided nevertheless,* Provide. That if any one proprietor of lands lying in the said fields shall hereafter see fit to fence his part thereof by himself, and separate it from the said field, he shall have full liberty so to do, without contributing any thing to the general inclosure of said field, and making only one half the division fence between his land and the residue of the said field; any thing in this Act to the contrary notwithstanding.

[This Act passed November 30, 1785.]

An ACT for incorporating a common and general Field, in the Town of *Deerfield*, in the County of *Hampshire*.

**W**HEREAS the proprietors of a tract of land in the town of *Deerfield*, at present inclosed as a common field, have petitioned that the lands aforesaid may be incorporated into a common and general field, and the proprietors thereof thereby entitled to the privileges by law granted to incorporated common fields: *Therefore,*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the

the lands aforesaid, being all the lands included within the common field fence in the town of *Deerfield*, as it now stands, be, and they are hereby incorporated into one common and general field; and the proprietors and owners of the lands aforesaid are hereby invested with all the powers and privileges that the proprietors of lands in general fields are by law invested withal.

[This Act passed November 30, 1785.]

An ACT for incorporating the Plantation called *Pearfowntown*, in the County of *Cumberland*, into a Town, by the Name of *Standish*.

Preamble.

**W**HEREAS the inhabitants of the plantation called *Pearfowntown*, have petitioned the General Court that they may be incorporated into a town, in order that they may enjoy like privileges with other incorporated towns in this Commonwealth: *Therefore*,

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Pearfowntown*, in the county of *Cumberland*, bounded as follows:—Beginning at the northerly corner of *Gorham*, by *Presumscut River*; thence running up said river to the outlet of *Soubago Pond*; thence northwest, across said pond, six miles; thence southwest, eight miles, to *Saco River*; thence to run down said river adjoining the same to the westerly corner of *Buxton*; thence northeast, three miles and two hundred and twenty rods, to the northerly corner of said *Buxton*; thence south, thirty-three degrees east, to the westerly corner of *Gorham*; thence northeast, adjoining the head of *Gorham*, to the first-mentioned bound, be, and hereby is incorporated into a town, by the name of *Standish*; and that the inhabitants thereof be, and they are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

Incorporated & invested with powers.

John Deane, Esq. to call a meeting.

SECT. 2. *And be it further enacted,* That *John Deane, Esq.* be and he hereby is empowered and directed to issue his warrant, directed to some principal inhabitant within said town of *Standish*, requiring him to warn the inhabitants of said town of *Standish*, qualified to vote in town affairs, to assemble at some suitable time and place in said town, to choose all such officers as towns by law are empowered and required to choose, in the month of *March*, annually, and to transact all other matters and business necessary to be done in said town.

[This Act passed November 30, 1785.]

An

An ACT for naturalizing *Michael Walsh*.

**W**HEREAS *Michael Walsh*, resident in *Salisbury*, has dwelt within this Commonwealth several years, and demeaned himself well, and has applied to the Legislature to be naturalized :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Michael Walsh* be permitted to take and subscribe the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, of the county where he dwells ; and thereupon, and thereafter, he shall be deemed, adjudged and taken to be a citizen of this Commonwealth, and entitled to all the liberties, rights and privileges of a natural-born citizen.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom said *Michael Walsh* may take and subscribe the oath aforesaid, shall make return thereof to the Secretary of the Commonwealth, who shall record the same in the book ordered to be kept for such purpose.

[This Act passed February 7, 1786.]

An ACT for naturalizing *William Erving, Esq.* and *John Duballet*.

**W**HEREAS *William Erving, Esq.* and *John Duballet*, residents in *Boston*, in the Commonwealth aforesaid, have petitioned the General Court that they may be naturalized, and be thereby entitled to all the rights, liberties and privileges of free citizens of this Commonwealth :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *William Erving* and *John Duballet*, upon their taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, to all intents, constructions and purposes, as if they, the said *William Erving* and *John Duballet*, had been inhabitants of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

SECT. 2. *And it is further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office ; and the Secretary is hereby directed to record the same in a book to be kept for that purpose.

[This Act passed February 8, 1786.]

An ACT for naturalizing *James Wakefield, Ann Wakefield, his Wife, and Benjamin Wakefield, Ann Wakefield, Terence Wakefield, and Mary Wakefield, his Children.*

Preamble.

WHEREAS the said *James Wakefield* was born within this Commonwealth, but for fifteen years past has resided within the Province of *Nova-Scotia*, and was out of the said Commonwealth at the time of forming the constitution thereof; and the said *James* having returned to dwell within the same, with his said wife and children, has petitioned the General Court that he and they might be naturalized:

*James Wakefield and others, naturalized.*

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That upon the said *James Wakefield's* taking the oaths of allegiance and abjuration, required by the constitution of this Commonwealth, before two Justices of the Peace, *quorum unus*, he the said *James Wakefield*, together with *Ann Wakefield*, his wife, and *Benjamin Wakefield, Ann Wakefield, Terence Wakefield, and Mary Wakefield*, all minors and children of the said *James Wakefield*, first mentioned, be, and they hereby are declared to be free citizens of this Commonwealth, and shall hereafter be considered, acknowledged and known, to all intents and purposes whatsoever as such, and be entitled to all the privileges and immunities of free citizens, in as ample a manner, as if they had been inhabitants in, and citizens of this Commonwealth, at the time of forming the constitution of the same.

Certificate of the oaths, to be returned into the Secretary's office.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of the Commonwealth.

[This Act passed February 17, 1786.]

An ACT to set off *Jonathan Pearson* from the South Parish in *Ipswich*, in the County of *Essex*, and to annex him to the First Parish in *Rowley*.

Preamble.

WHEREAS for the greater convenience of attending the public worship of God, it is found expedient to set off *Jonathan Pearson* and family with two pieces of land, the first piece with the dwelling-house and other buildings thereon, containing about thirty-three acres, bounded easterly by the country road, southerly by land of *Purchase Jewett*, westerly by lands of *Peletiah Kinsman* and *Nathaniel Farley*, northerly by lands of *Stephen Jewett*, and *Daniel Dresser*, to the road first mentioned: the second piece containing about eight acres and bounded as follows, *viz.* beginning at the easterly corner thereof, thence running southwesterly by land of said *Nathaniel*



*Farley*, thence northwesterly by other land of said *Pearson*, thence northeasterly by land of *Eliphalet Jewett*, thence southeasterly by land of *Stephen Jewett*, to the bounds first mentioned, from the south parish in *Ipswich*, to the first parish in *Rowley*.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Pearson with his family, land and buildings as above described, be and they hereby are set off from the south parish in *Ipswich* and annexed to the first parish in *Rowley*, and shall forever hereafter be considered as belonging to the said first parish in *Rowley*, for the purpose of being held and obliged to pay their respective proportions of all taxes for the support of the gospel, that may arise within the same.

[This Act passed February 25, 1786.]

An ACT for incorporating the northerly Parish in the Town of *Shrewsbury*, in the County of *Worcester*, into a separate Town, by the Name of *Boylston*.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands herein after described, viz. Beginning at *Worcester* town line at a heap of stones, between *Nathaniel Haywood's* and *Jonathan Lovell's*, and running east nine degrees north seventeen rods and an half, thence north, six degrees east forty rods, thence east thirteen and a quarter degrees north, one hundred and seventy-eight rods, thence east twenty degrees north till you come to the lands of *Nathan Bannister*, thence south sixteen degrees west thirty-five rods, thence east twelve degrees north, one hundred sixty-six rods, thence north twenty-six degrees east, seventy-four rods, thence east twenty degrees north till you come to the land of *Jonathan Fassett's*, thence south forty degrees east sixty-two rods, thence west twenty-nine degrees south forty-four rods, thence south two degrees west thirty-seven rods, thence east thirteen degrees north one hundred and fourteen rods, thence south twenty-one degrees west forty-eight rods, thence east forty-three degrees south thirty-four rods, thence east twenty-four degrees south twenty-nine rods, to *Northborough* town line, bounding south on *Shrewsbury*, easterly on the towns of *Northborough* and *Berlin*, northerly on the towns of *Lancaster* and *Sterling*, and westerly on the towns of *Holden* and *Worcester*, be, and they hereby are incorporated into a town by the name of *Boylston*: and said town is hereby invested with all the powers, privileges and immunities that any town within this Commonwealth is entitled unto, agreeably to the constitution and laws of this Commonwealth.

To pay their  
portion of taxes  
already grant-  
ed.

SECT. 2. *And be it further enacted*, That the inhabitants of said town of *Boylston* shall pay their proportion of all taxes already granted to be raised in the said town of *Shrewsbury*.

Town stock,  
&c. to be di-  
vided.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the weights and measures, one half of the town's securities and town stock, which were the property of the town of *Shrewsbury*, shall remain the property of *Shrewsbury*; and the other half shall be the property of *Boylston*; and that the poor shall be apportioned and supported, according to the vote of the said town of *Shrewsbury*, passed the second day of *January* in the present year.

Joseph Whee-  
ler, Esq. to call  
a meeting.

SECT. 4. *And be it further enacted*, That *Joseph Wheeler*, Esq. be, and hereby is empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Boylston* to assemble and meet at some suitable time and place in the said town, to choose all such officers as towns by law are required to choose at their annual town meeting in the month of *March*.

[This Act passed *March 1, 1786.*]

An ACT for annexing that Part of the Plantation call-  
ed *Flints-Town*, which lays in the County of *York*,  
to the County of *Cumberland*.

Preamble.

WHEREAS the dividing line between the counties of *York* and *Cumberland*, runs through the plantation of *Flints-Town*, which is inconvenient: *Therefore*,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this Act, all that part of the said plantation, which now lies in the county of *York*, be, and it hereby is set off and annexed to the county of *Cumberland*, and shall henceforth be considered as part of the same; any law to the contrary notwithstanding.

[This Act passed *March 3, 1786.*]

An ACT repealing one Clause of an Act, passed in the Year One thousand seven hundred and eighty, entitled, "An Act for incorporating the easterly Part of the Town of *Sudbury*, in the County of *Middlesex*, into a separate Town, by the Name of *East-Sudbury*;" and for prescribing the Manner in which the Bridges and long Causeways in the Town of *East-Sudbury*, pointed out in the said Act, shall be supported and maintained.

Preamble.

WHEREAS, by the said Act, it is enacted, That the in-  
habitants of the said town of *East-Sudbury* and the town

of *Sudbury*, shall support and maintain the bridges and long causeways, over the river and meadows near Mr. *Jonathan Carter's* within the town of *East-Sudbury*, notwithstanding said bridges and causeways lying within the town of *East-Sudbury*, in equal proportion between the said town of *East-Sudbury*, and the town of *Sudbury*." And whereas it is found to be inexpedient that the said towns, should any longer support and maintain the said bridges and causeways in common or jointly :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the before recited enacting paragraph, in the said Act, be, and it hereby is repealed. Paragraph repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the town of *Sudbury* shall, from and after the passing of this Act, support and maintain the *Canal Bridge*, so called, and the butments of the said bridge, and sixty-four poles or perch of the long causeway adjoining to the said *Canal Bridge*, and lying on the south westerly side of the same, viz. Beginning at the south-westerly butment of said *Canal Bridge*, and from thence running on the said causeway, towards the town of *Sudbury*, to the utmost extent of sixty-four poles ; said bridge and causeway lying in the town of *East-Sudbury* notwithstanding, and that the town of *East-Sudbury* shall, from and after the passing of this Act, support and maintain all the bridges and causeways mentioned in that clause of the aforesaid Act which this repeals ; excepting only such part thereof as by this Act the town of *Sudbury* are held to support and maintain. Manner in which the bridges, &c. shall be maintained.

[This Act passed March 3, 1786.]

An ACT to set off *Daniel Fay, Elisba Bemis, Phineas Bemis, John Leonard* and *Lydia Peirce*, from the Town of *Framingham*, in the County of *Middlesex*, and to annex them to the Town of *Southborough*, in the County of *Worcester*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *Daniel Fay, Elisba Bemis, Phineas Bemis, John Leonard* and *Lydia Peirce*, together with the lands contained within the following lines, viz.— Boundaries. Beginning at *Southborough* line at *Stone's* corner, so called ; thence running south, six degrees west, one hundred and ninety poles, to a small white-ash tree, by *Sudbury River* ; thence running up said river by the same, until it comes to *Southborough* line ; thence on said line to the first-mentioned bound, be, and they are hereby set off from the town of *Framingham*, and annexed to the town of *Southborough*, there to do duty and enjoy privileges : and the said inhabitants and lands shall be considered as belonging to the county of *Worcester*, and the two lines herein first mentioned

mentioned shall be considered as lines betwixt the county of *Worcester* and the county of *Middlesex*.

SECT. 2. *Provided always*, That the persons and lands abovementioned shall be holden to pay all taxes which, before the passing of this Act, have been legally assessed on them by the town of *Framingham*, in the same manner as though this Act had not been passed.

[This Act passed *March 7, 1786.*]

An ACT for annexing a certain triangular Piece or Parcel of Land to the Town of *Sanford*, which *Nathaniel Conant* purchased of this Commonwealth.

Boundaries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid triangular piece or parcel of land, beginning at the south-east corner of *Shapleigh*, from thence running north-east seven hundred and sixty rods to the north corner of *Sanford*; from thence north-west seven hundred and sixty rods to said *Shapleigh* line; from thence south by said line one thousand and sixty rods to the place where it began, containing eighteen hundred and thirty-nine acres, be, and it hereby is annexed to the town of *Sanford*, and forever hereafter shall be considered as part of said town.

[This Act passed *March 11, 1786.*]

An ACT for incorporating certain Persons by the Name of the Scots Charitable Society.

Preamble.

WHEREAS a considerable number of persons have for many years associated themselves in the town of *Boston*, for the purpose of joining their charities, for the relief of certain widows, orphans, and other objects of charity, and have raised a common stock, but are unable to recover the monies they have letten on interest, and to transact the business necessary for supporting the said institution:

Society incorporated

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Scollay*, *William Erving*, and *James Swan*, Esquires, *Messieurs Thomas Melvill*, *James Thompson*, *James Graham*, *William Doll*, *William McKean*, *Andrew Drummond* and *John Young*, with such other persons as they may from time to time hereafter admit, be and they hereby are incorporated and made a body politic, by the name of the Scots Charitable Society, and that they, their associates and successors, have perpetual succession by said name, and have power to make a common seal, and alter the same as they may see fit, and to make by-laws for the preservation and advancement of said body (which shall not

not be repugnant to the laws of this Commonwealth,) with penalties, either of disfranchisement from said Society, or of fines not exceeding *forty shillings*. Their powers.

SECT. 2. *And be it enacted by the authority aforesaid,* That said Scots Charitable Society may sue or be sued in their said corporate capacity, and are hereby licensed and empowered to make purchases, and receive donations of real and personal estates, for the purposes aforesaid, provided the said estates shall not be productive of an annual income exceeding the sum of *two hundred pounds* per annum, and to manage and dispose of such estates in manner as to them shall appear most fit. May sue and be sued, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Society be, and they hereby are authorized and empowered to meet at such times and places as they shall see fit, the time and place of holding the first meeting to be determined by the said *John Scollay, William Erving* and *James Swann*, Esq's. or any two of them, and notified in one of the *Boston* news-papers, fourteen days before such meeting, and from time to time to choose such officers, as to them shall seem most suitable. And all instruments to be made for, or in behalf of said Society, shall be executed under the common seal of said Society, and by such persons as the said Society shall appoint. Impowered to meet at such times and places as they shall see fit.

SECT. 4. *Provided always, and it is further enacted,* That the members of said Society, shall at no time exceed the number of one hundred. Provide.

SECT. 5. *And be further enacted,* That the Society, aforesaid, be, and they hereby are authorized and empowered to receive to their use, all monies due to the Society, heretofore called the Scots Society in *Boston*, before the passing of this Act, and to give receipts for monies they shall receive, to any person or persons who have heretofore given their obligations to the said Scots Society, which are now in the hands of absentees, which receipts may be given in evidence in any action that may hereafter be brought on any obligation of the description aforesaid. Impowered to receive monies heretofore due to the Society.

[This Act passed *March 16, 1786.*]

An ACT to ratify certain Assessments made by the Proprietors of *Shapleigh*, so called, in the County of *York*.

WHEREAS the proprietors claiming lands under *Nicholas Shapleigh*, deceased, have represented that in order to raise a sum of money for defraying the necessary expenses of securing the title, and bringing forward the settlement of a tract of land in the county of *York*, incorporated in the year one thousand seven hundred and eighty-five, by the name of *Shapleigh*, they levied a tax or assessment on the several lots of land throughout the township, notwithstanding the greater part thereof Preamble.

thereof was by the said proprietors, severed and assigned to individuals, prior to the voting or making such assessments; and doubts arising whether the various statutes made for the regulation of proprietors of common and undivided land, will justify proprietors laying any tax or assessment whatever, on such of the lots as have been by the proprietors themselves severed and assigned to individuals, posterior to such severance or assignment, (although the benefits resulting by the money thus assessed, be as great to the lots thus severed and divided, as to the lands remaining in common and undivided after such severance,) and have requested a confirmation of the said assessments :

Assessments  
made prior to  
the incorpora-  
tion, ratified.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the assessments made on the several lots of land in the town of *Shapleigh*, in the county of *York*, prior to the incorporation thereof, by the persons who have acted in proprietors meetings, under the character, and by the name of the proprietors claiming lands under *Nickolas Shapleigh*, late of *Kittery*, deceased, be, and hereby are established, ratified and confirmed, and the several lots of land upon which such assessments are laid, shall stand charged, and be liable to the payment thereof, in the same way and manner they would have been in case no severance, assignment or partition had been made to an individual of any particular lot : and the proceedings that have been, or hereafter may be regularly made for the collecting and enforcing the payment of the said several assessments, according to the rules and regulations by law prescribed for proprietors of lands, held in common and undivided, shall be held, deemed and taken as valid to all intents, constructions and purposes whatever, as though no actual severance, assignment or partition of the said township, or any part of it into lots, to hold in severalty, had been made.

Provido.

SECT. 2. *Provided always,* That nothing in this Act shall operate as a bar to any action or suit, that may be brought by any bargainee or vendee, against any bargainor or vendor, his heirs, executors or administrators, upon any deed of bargain, and sale, on account of any affirmation or warranty, either express or implied, that the lands in such deed conveyed, were free of all incumbrances ; but such bargainee or vendee shall, and may prosecute such suit or action, in the same way and manner he might have done, had this act never been made.

[This act passed *March 16, 1786.*]

An ACT for setting off *Peter Noyes, Esq. and others, Inhabitants of the First Parish in Falmouth, in the County of Cumberland, and annexing them and their Estates to the Third Parish in said Falmouth.*

**W**HEREAS *Peter Noyes, Esq. and others, living within the first parish of Falmouth, in the county of Cumberland,* have represented to this Court that it is very inconvenient for them to attend the public worship of God in said first parish, and praying that they may be annexed to the third parish in said *Falmouth* : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peter Noyes, Esq. and all the inhabitants of the first parish and all the estates belonging to said first parish, lying to the northward of Back-Cove-Creek, so called, in Falmouth aforesaid, be, and they hereby are annexed to the third parish in Falmouth ; and shall forever hereafter be considered as belonging to, and making a part and parcel of the same.* Peter Noyes, Esq. and others annexed to the third parish.

SECT. 2. *Provided nevertheless, and be it further enacted by the authority aforesaid, That any person hereby set off from said first parish, and who may choose to belong to the same, and shall signify his desire to the Clerk of said first parish, of continuing a member thereof, within twelve months from the passing of this act, shall be considered as belonging to said first parish, any thing in this Act to the contrary notwithstanding.* Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid, That all those hereby annexed to said third parish, and who were before liable by law to pay taxes to said first parish, shall, they and their estates, be held and obliged to pay their proportion of all arrearages due from said first parish.* Persons set off held to pay their proportion of arrearages due from the first parish

[This Act passed *March 20, 1786.*]

An ACT incorporating a Society, by the Name of The *Massachusetts Congregational Charitable Society.*

**W**HEREAS a number of Congregational Ministers, within this Commonwealth, have petitioned, and it appears to the General Court expedient, that a number of persons be incorporated into a society, for the humane and benevolent purposes of affording relief and support to the widows and children of deceased Ministers, and other persons herein mentioned : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Bernard, Clerk, Stephen Choate, Esq. Caleb Davis, Esq. Benjamin Goodhue, Esq. Nathaniel Gorham, Esq. John Hancock, Esq. Jason Haven, Clerk, Timothy Hilliard, Clerk, Simeon Howard, Doctor of Divinity, Joseph Jackson, Clerk, John Lathrop, Doctor of Divinity, Phillips Payson, Clerk, William Phillips,*

Society incor-  
porated.

*lips, Esq. Samuel Phillips, jun. Esq. Daniel Shute, Clerk, Caleb Strong, Esq. James Sullivan, Esq. Peter Thacher, Clerk, Oliver Wendell, Esq. and Joseph Willard, Doctor of Divinity, be, and they are hereby incorporated into a society, by the name, style and title of The Massachusetts Congregational Charitable Society; and that they, and such others as shall be duly elected into the said corporation, shall be and remain a body politic and corporate, by the same name, style and title, forever.*

Empowered to  
receive and im-  
prove grants  
and devises of  
lands, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said society and corporation shall be capable of receiving, and shall have power to receive, from any person or persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands or tenements, in fee simple, or for a lesser estate, and all donations and bequests of money, or any other personal thing; and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

How improved  
and applied.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all grants, donations, devises and bequests, made to the said society, of any real or personal estate, shall be by the said society used and improved to the best advantage; and the annual income thereof, shall be by them applied to the support of such widows and children of deceased congregational ministers, who have been, or shall be settled within this Commonwealth, and of the widows and children of the President and Professors of the University in Cambridge, as in the opinion of the said corporation shall be proper objects of the said charity.

Provifo.

SECT. 4. *Provided nevertheless,* That the said society, if at any time they shall judge it will best answer the good purposes of their institution, may increase their capital, by placing a part of the said income at interest, or by purchasing real estate therewith; and they shall have power also to take a part of the principal of their personal estate, and bestow it on the widows and children before-mentioned, if it is consistent with the directions of the donor.

Empowered to  
elect members.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said society and corporation shall, at their annual meeting in May, have power to elect by ballot, any other person or persons, as members of the said society:

Provifo.

SECT. 6. *Provided always,* That the said society shall not at any time consist of more than thirty members: *Provided also,* That the same proportion be observed, in the said elections between the clergy and laity, which is observed in this Act.

May change  
real property  
into personal  
estate.

SECT. 7. *And be it further enacted,* That when it shall appear to the said society, that the changing any real property into personal estate, will best answer the intentions of this institution, the said corporation shall have full power, unless it is expressly ordered otherwise by the donor, to sell and convey the



the same ; provided that the monies for which the said real estate shall be sold, shall always be applied to the same use, to which the income of the estate sold was before applicable. Proviso.

SECT. 8. *And be it further enacted,* That the said society may have one common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid ; and the same corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, style and title aforesaid. To have one common seal.

SECT. 9. *Be it further enacted,* That the said society shall hereafter meet at *Boston*, or such other place as they may think proper within the State, some time in the month of *May* annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the President, Vice-President, Treasurer, or Secretary, being one, shall be a *quorum* ; and the said society, at their meetings in *May*, annually, shall have power to elect and choose a President, Vice-President, Treasurer, Secretary, and all other such officers as to them shall appear necessary : which officers so chosen shall continue in office one year : and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively. Meeting to be held annually, for the choice of officers, &c.

SECT. 10. *And be it further enacted,* That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation ; provided such laws are not repugnant to the laws of the Commonwealth, or the principles of the constitution of the same ; nor shall any penalty by them provided exceed the sum of *twenty shillings*. Vested with the power of making by-laws. Proviso.

SECT. 11. *And it is nevertheless provided,* That the rents of the real estate, together with the interest of the personal estate of the said society, shall never exceed the annual income of *three thousand pounds*. Rents, &c. not to exceed £3000 per annum.

SECT. 12. *And it is further enacted,* That *Simeon Howard*, Doctor of Divinity, be and he hereby is authorized by public notification, in two of the *Boston* newspapers, to call the first meeting of the said society at such time and place as he shall judge proper ; at which meeting, the said corporation shall have all the power hereby vested in them at their annual stated meetings in *May* ; but the officers by them chosen shall not continue in office longer than the next *May* meeting, unless they shall be elected anew. Dr. Howard authorized to call the first meeting.

[This Act passed *March 24, 1786.*]

An ACT for naturalizing *Robert Morris* and *James Alexander*.

Preamble.

**W**HEREAS *Robert Morris* and *James Alexander*, residents in *Shrewsbury*, in the county of *Worcester*, have petitioned the General Court, that they may be naturalized, and be thereby entitled to all the rights, liberties and privileges of free citizens of this Commonwealth :

Robert Morris  
and James Al-  
exander natur-  
alized.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Robert Morris* and *James Alexander*, upon their taking the oaths of allegiance and abjuration, required by the Constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, to all intents, constructions and purposes, as if they the said *Robert Morris* and *James Alexander* had been inhabitants of the territory now the Commonwealth aforesaid, at the time of making the present form of civil government.

Certificate to  
be returned.

SECT. 2. *And it is further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate thereof into the Secretary's office ; and the Secretary is hereby directed to record the same in a book to be kept for that purpose.

[This Act passed June 5, 1786.]

An ACT to enable the Inhabitants of the first Parish in the Town of *Falmouth*, in the County of *Cumberland*, to sell the Ministerial Lands there, towards raising a Fund for the Support of the Ministry, and to tax the Pews in the Meeting-House, in said Parish, until such Fund be raised.

Preamble.

**W**HEREAS the inhabitants of the first parish in the town of *Falmouth*, in the county of *Cumberland*, have represented to this Court, that many difficulties subsist within the same, in respect to the raising of monies for the support of the ministry, by the usual mode of laying taxes upon polls and estates, and as a remedy whereof have requested, that an Act might be passed to enable them to sell the ministerial lands there, the proceeds whereof, together with such sums as have been, or may be subscribed by individual persons, to be applied to the raising of a fund for that purpose, and that they might be empowered to tax the pews in the meeting-house in said parish, until such fund be raised.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the*

*the same*, That the said parish, by such Committee as they may appoint for that purpose, be, and they hereby are empowered to sell and dispose of all such lands in said parish, as were originally granted for the use of the ministry, or now belong to said parish, and to make and execute a good and sufficient deed or deeds of the same, according to law.

Parish Committee to sell ministerial lands.

SECT. 2. *And be it further enacted*, That the monies arising from such sale, as also all monies which already are, or may hereafter be given by any person or persons for the purpose, shall be applied to the establishment of a fund, the interest whereof shall be and hereby is appropriated to the support of the present ministers of said parish, and their successors, who may hereafter be elected by said parish—such interest to be received and applied as aforesaid, by the Committee of the parish who may be annually chosen for that purpose. *Provided nevertheless*, That no such sale shall be considered valid, unless the minister or ministers of said parish for the time being shall signify, in writing, his or their consent to the same.

Interest of the proceeds to support ministry.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the inhabitants of said parish be and they hereby are authorized and empowered, until such fund be established, to raise by a tax upon the pews in said meeting-house, such sum or sums as shall be annually voted and agreed upon at their annual meeting in *March*, for paying the salary or salaries of their minister or ministers, and defraying the other necessary charges of the parish, or so much of the same as the income arising from the fund may, in case of its not being sufficient for the purpose, fall short.

Tax in the mean time upon the pews.

SECT. 4. *And be it further enacted*, That the said pews shall be taxed, and pay towards said salary or salaries and charges, according to their valuation, respect being had to their convenience and situation, which valuation shall be set thereon by the Assessors of said parish, from time to time, as may be found necessary; and all such taxes or assessments shall be made and levied according to such valuation proportionally; and if the same be not paid within six months from the time the Collector shall give notice thereof to the proprietor or owner of the pew assessed (which notice he shall give by causing an advertisement of the same to be inserted in the *Falmouth Gazette*, specifying the number of the pew, and the sum at which it is assessed, or in such other way as the parish at a legal meeting shall determine) the said Collector shall proceed to sell the pew of such delinquent proprietor or owner, at public vendue, notice of such sale being previously given in the *Falmouth Gazette*, three weeks successively, or in such other way as the said parish shall determine, and after deducting the said taxes, and necessary charges of sale, the overplus, if there be any, shall be paid to the delinquent proprietor or owner of the pew so sold.

Mode of levying it.

[This Act passed June 27, 1786.]

Altered as to  
Connecticut  
River, March  
26, 1788.

An ACT to prevent the Destruction of Salmon, Shad, and Alewives, and other Fish in *Agawam*, or *West-field River*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the*

Limits & time  
of catching fish  
prescribed.

\* Reduced to  
one mile, by  
Act, March 8,  
1796.

*authority of the same,* That from and after the first day of *March* next, no person or persons be allowed to catch any salmon, shad, or alewives with seines, nets, pots, or in any other way, in any part of said river, within\* two miles of the entrance thereof into *Connecticut River*, nor in *Connecticut River*, within half a mile south, or forty rods north of the mouth, or entrance of said *Agawam*, into *Connecticut River*; and no person or persons shall catch any salmon, shad, or alewives, in any other part of the said *Agawam River*, at any other time, than between sunset on Monday evening, and sunset on Thursday evening in each week; and if any person or persons shall presume to catch any fish in the said rivers, contrary to the true intent of this Act, he or they so offending, shall for each offence, forfeit and pay a fine of *four pounds*; and the seine, net or machine, used in catching said fish, shall be forfeited.

Penalty for e-  
recting incum-  
brances.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all wears, fences, and other incumbrances now erected, or that shall hereafter be erected, in any part of the said *Agawam River*, so as to stop the free course or passage of the said fish up the said river, shall be deemed common nuisance, and as such shall be pulled down and demolished; and any person or persons, that shall hereafter erect any such wears, fences, or other incumbrance, or shall continue such already erected, on conviction thereof, shall forfeit and pay the sum of *three pounds*.

Recovery  
penalties.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures, incurred by any breach of this Act, shall and may be recovered by action or information, before any Justice of the Peace, within the county where such offence shall be committed: one half of such fines shall enure to him or them, who shall sue or prosecute for the same, and the other half to the poor of the town, where the offence shall be committed.

[This Act passed June 27, 1786.]

An ACT for incorporating the easterly Part of *Pelham*, and the southwest Part of *New-Salem*, in the County of *Hampshire*, and the Inhabitants thereon, into a separate Parish, by the Name of the Second Parish in *Pelham*.

**W**HEREAS a number of the inhabitants of the towns of *Pelham* and *New-Salem*, in the county of *Hampshire*, have petitioned this Court to be incorporated into a parish, and the prayer of the said petition appearing to be reasonable :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described, viz. all the lands

lying east of the western branch of *Swift River*, in *Pelham*, and all the lands in *New-Salem*, south of the farms on which *Amos Thomas*, *Silas Haskins*, and the widow *Mary Sloan*, now live, and of a line drawn east from the land of said *Mary Sloan*, to a line that shall intersect a line drawn due north from the northwest corner of *Greenwich*, together with the inhabitants thereon, be, and they are hereby incorporated into a separate parish, by the name of the second parish in *Pelham*, and vested with all the powers, privileges and immunities, which parishes in this Commonwealth are entitled to.

SECT. 2. *And be it further enacted,* That *Isaac Powers*, Esq. of *Greenwich*, be, and he hereby is directed to issue his warrant to some principal inhabitant within the said parish, directing him to warn the inhabitants of the said parish, qualified to vote in parish affairs, to assemble at some convenient time and place, in the said parish, to choose such officers as are necessary to manage the affairs of the said parish, according to the powers and authority given by this Act.

SECT. 3. *Provided nevertheless,* That the inhabitants of the said parish shall pay their proportionable part of all taxes of a parochial nature, which have been assessed on them by the towns to which they respectively belong, in the same manner as if this Act had not been passed.

[This Act passed June 28, 1786.]

An ACT for regulating the Salmon, Shad and Alewife Fishery in *Saco River*, and the Branches thereof, within this Commonwealth.

**W**HEREAS the constant catching of salmon, shad, and alewives in *Saco River*, is greatly prejudicial to the growth and increase of said fish, and to the great damage of the inhabitants on said river : Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That

Time set for  
catching fish.

That no person or persons be allowed, from and after the passing of this Act, to catch any salmon, shad or alewives in any part of *Saco River*, or in any river or stream centering to or running into the same, within this Commonwealth, oftener or more than four days in a week, *viz.* from Monday morning sunrise to Wednesday morning sunrise, and from Thursday morning sunrise to Saturday morning sunrise, in each week; and if any person or persons, shall catch any salmon, shad or alewives in *Saco River*, or in any river or stream centering to or running into the same, within this Commonwealth, or shall drag any seine, or drag-net, or set any pot or net, or any other machine, for the purpose of catching any of the said fish, at any other time than by this Act is allowed in the said rivers and streams, each and every person so offending, shall for each and every such offence, forfeit and pay the sum of *four pounds*, and the seine, net, pot or other machine so used shall be forfeited.

Wears and  
other incum-  
brances deem-  
ed common  
nuisance.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all wears, fences and other incumbrances now erected, or that shall be hereafter erected in any part of *Saco River*, or other rivers and streams centering to or running into the same, within this Commonwealth, for stopping or obstructing the course of the said fish, shall be deemed common nuisance, and as such shall be pulled down and demolished, and any person or persons that shall hereafter erect any such wears, fences or other incumbrances, or that shall continue any already erected, on due conviction thereof, shall forfeit and pay the sum of *three pounds*, for each and every such offence.

Penalty for  
dragging any  
seine or net,  
more than 10  
rods in length.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons, from and after the passing this Act, shall drag any seine or net, or set any net in the said *Saco River* that is more than ten rods in length, he or they so offending shall forfeit and pay for each offence, a fine of *four pounds*, and the seine or net so dragged or set shall be forfeited.

Towns, &c.  
bordering on  
*Saco River*, to  
choose persons,  
annually, to see  
that this Act  
be duly obser-  
ved.

SECT. 4. *And be it further enacted,* That from and after the passing this Act, every town and plantation in this Commonwealth bordering on *Saco River*, and in which there are any rivers or streams centering to or emptying themselves into *Saco River*, where salmon, shad or alewives would (if not obstructed) go up to spawn, shall at their meeting in *March* or *April* for the choice of town-officers, annually, choose by ballot, at least three suitable and fit persons, whose duty it shall be jointly or severally to see that this Act, and the Acts for keeping open sluice ways in dams, be duly observed, and to inform against any person or persons that shall offend against this Act, and to see that all obstructions in the rivers and streams aforesaid be removed, and to prosecute all breaches of the said Acts; and all persons so chosen shall be sworn to the faithful discharge of their duty in

Such persons to  
be sworn.

in such office: and if any person so chosen as aforesaid shall refuse or neglect to be sworn (after due notice given) he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of such town, to be recovered by the Treasurer of such town or the Clerk of such plantation, where the offence shall be committed, and such town or plantation shall proceed to a new choice, and so *toties quoties*; and any person or persons who shall refuse or prevent the person or persons so chosen from measuring any seine or net which shall be used for the purpose of taking fish in said river, shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *twenty shillings*, for each and every such offence.

Penalty for refusing.

SECT. 5. *And be it further enacted*, That on complaint made in writing, to any Justice of the Peace for the county where any offence against this Act shall be committed, against any person or persons for any breach of this Act, or upon view of any Justice, such Justice is hereby empowered to issue his writ of *scire facias*, commanding such offender or offenders to appear before him at such time and place as the Justice shall direct, at least seven days previous to the day of trial, to shew cause (if any he or they have) why a warrant of distress shall not issue against him or them, to levy said fine or forfeiture on his or their goods or chattels, with all legal costs, in the same manner as writs of execution are issued, and in like manner returnable.

Writs of scire facias to issue for breaches of this Act.

SECT. 6. *And be it further enacted*, That all fines and forfeitures incurred by any offence committed against this Act, shall enure the one moiety thereof to the poor of the town or plantation where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

How fines shall enure.

SECT. 7. *And be it further enacted*, That all Grand Jurors are hereby enjoined diligently and faithfully to inquire after and duly to present all offences against this Act.

Grand Jurors to present offences.

[This Act passed June 28, 1786.]

An ACT to prevent Damage being done to the Harbour of *Cape Cod*, by Cattle, Sheep and Horse Kind, feeding on *Province-Town* Lands, and for the Preservation of the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this Act, it shall not be lawful for the inhabitants of *Province-Town*, or *Truro*, or any other person or persons whatsoever, to turn out, feed, or let run at large, any neat cattle, sheep, or horse kind, on the land, meadow, or beaches at *Cape Cod*, lying to the northward and westward of the head of the meadow in the said town

of *Truro*, known by the name of *East-Harbour Meadow*, from the first day of *April*, to the first day of *October* annually, upon the penalty, for each offence, of *five shillings* a head, for all neat cattle, and horse kind, and *one shilling* a head for all sheep, so turned out, fed, or let run at large, on the lands, meadow, or beaches aforesaid, to be recovered by any inhabitant of either of the said towns, before any Justice of the Peace for the county of *Barnstable*, by action of debt; and all such cattle, sheep, or horse kind, found feeding, or running at large on said lands, Cattle, &c. shall be liable to be impounded, in the town of *Truro*, (or *Province-Town*, provided a pound be built therein) and immediate notice thereof shall be given to the owner or owners of such creatures, if known, otherwise public notice thereof shall be given in writing, and posting up the same in some public place in each of the towns aforesaid, by the person impounding the same; such creatures to be relieved by the pound-keeper, with suitable meat and water, while impounded: and if the owner, or owners thereof, appear to redeem his, her, or their impounded creature, or creatures, he, she, or they, shall pay the following fees, viz. *three shillings* to the impounder, for each neat beast, or horse kind, and *six pence* for each sheep, so impounded, and to the pound-keeper, reasonable costs, for relieving such creatures, besides his fees established by law: and if no owner appear within the space of four days, to redeem such cattle, or horse kind, so impounded, and to pay the cost, occasioned by impounding them, then, and in every such case, the person impounding such creature or creatures, shall cause the same to be sold at public vendue, to pay the cost and charges arising thereby; public notice of the time of such sale, to be given in the towns of *Truro* and *Province-Town* aforesaid, forty-eight hours at least, previous to the said sale; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature, or creatures, so sold, at any time within twelve months next after such sale, upon his, her, or their demanding the same: but if no owner appear within the said twelve months, then the said overplus shall be, one half to the party impounding such creature, or creatures, and the other half to the use of the poor of the town, where such creatures shall be impounded.

SECT. 2. *Provided nevertheless*, That nothing in this Act shall be construed to debar the inhabitants of *Province-Town* from keeping and letting run at large, on land, meadow and beaches in *Province-Town* aforesaid, thirteen cows, four oxen, one bull, and three horses, of which number the minister of *Province-Town* for the time being, shall be allowed to keep one cow and one horse for his own use, on condition the said cattle and horses shall be marked on the left shoulder, with a hot iron, with the letters P. T. and entered by the Town-Clerk of *Province-Town*



*ince-Town* in the said town's book, with their marks, natural and artificial; and the said thirteen cows, four oxen, one bull, and three horses (excepting the cow and horse for the minister's use, as before provided in this Act) shall be owned and improved by the inhabitants of *Province-Town*, as shall be agreed on by them, at their *March* or *April* meeting annually, or some other town-meeting, called for that purpose.

SECT. 3. *And be it further enacted by the authority aforesaid,* That whosoever, after the publication of this Act, shall presume to cut down, or carry off any trees, poles, or brush, from any part of the land belonging to this Commonwealth, in *Province-Town* aforesaid, shall forfeit and pay the sum of *six shillings*, for every tree, or pole, and *one shilling* for every bush, so cut down, or carried off, excepting twenty cords of wood to the use of the settled minister of said *Province-Town*, for the time being, which shall be cut, and carted, in the month of *November* annually; and so much brush may be also cut and taken from the swamps in said *Province-Town*, as shall be absolutely necessary for flakes, in the curing of fish in the said town, and no more: the forfeiture before mentioned, to be recovered by information, or complaint, before any Justice of the Peace, or by indictment, at any Court of General Sessions of the Peace, within and for the county aforesaid; one half to the use of any person, who shall sue for and recover the same, the other half to the use of the poor of the town of *Truro*.

Penalty for cutting down, or carrying off any trees, &c. belonging to this Commonwealth, in *Province-Town*.

How recovered.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Selectmen of the towns of *Truro* and *Province-Town*, to see that all breaches of this Act be duly prosecuted.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all laws heretofore made, to prevent damage being done to the harbour at *Cape Cod*, be, and hereby are repealed.

Former laws repealed.

[This Act passed June 28, 1786.]

An ACT for erecting that Part of the Town of *Falmouth*, in the County of *Cumberland*, commonly called the *Neck*, into a Town by the Name of *Portland*.

SECT. 1. *B*E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the town of *Falmouth* aforesaid, and the inhabitants thereof and their estates, included within the following bounds, viz. Beginning at the middle of the creek that runs into *Round-Marsh* (so called) thence north-east, to *Backcove-Creek*, thence down the middle of that creek to *Back-Cove*, thence across said *Cove* to *Sandy-Point*, thence round by *Casco-Bay*, to *Fore-River*, thence up *Fore-River*, to the first bounds, together with all the islands that now belong to the

Boundaries.

first

Incorporated & first parish in said *Falmouth*, be, and they hereby are incorporated into a town by the name of *Portland*, and are hereby invested with all the powers, privileges, and immunities, that towns within this Commonwealth do, or ought by law to have and enjoy.

Collectors of *Falmouth* authorized. *SECT. 2. And be it further enacted by the authority aforesaid,* That the several Collectors of the said town of *Falmouth* are hereby authorized to collect and pay the taxes, to them already committed respectively, agreeably to their several warrants; any thing in this Act to the contrary notwithstanding.

Treasurer of *Falmouth* to make a fair settlement. *SECT. 3. And be it further enacted by the authority aforesaid,* That the Treasurer of the town of *Falmouth* shall make a fair settlement and adjustment of his accounts as they stood before the passing this Act, and if a balance shall remain in his hands, the inhabitants of the town of *Portland* shall receive their just and due proportion thereof: and if upon such settlement the town of *Falmouth* shall be in arrears, the inhabitants of the town of *Portland* shall pay their just and due proportion thereof, as hereafter in this Act is settled.

Town land and stock to be divided. *SECT. 4. And be it further enacted,* That the land belonging to the town of *Falmouth* before the passing of this Act, and the town stock of powder, shall be set off and divided, four ninths to the town of *Portland*, and the other five ninths to the town of *Falmouth*, and the town of *Portland* shall pay four ninths of the taxes which have been heretofore imposed by the General Court, upon the town of *Falmouth*; and the Assessors of the said towns respectively are hereby empowered and directed to assess all taxes, which were due from the said town of *Falmouth*, before the passing of this Act, to the county or Commonwealth, agreeably to the proportion aforesaid; and the towns aforesaid shall be charged in the same proportion, in all future taxes, until the General Court shall otherwise determine. And the public landings shall be in common to the inhabitants of both towns.

Portland to be the shire town. *SECT. 5. And be it further enacted by the authority aforesaid,* That the said town of *Portland* shall be the shire town of said county, and that the Supreme Judicial Court, and Courts of Common Pleas, and General Sessions of the Peace, by law appointed to be holden at *Falmouth*, shall in future be holden in the said town of *Portland*, on the same days respectively, in which they were by law required to be holden at *Falmouth* aforesaid; any law to the contrary notwithstanding.

Poor, how supported. *SECT. 6. And be it further enacted by the authority aforesaid,* That the poor now maintained by the town of *Falmouth*, shall be supported by the two towns, in the proportion aforesaid. And if any person or persons heretofore belonging to the town of *Falmouth* aforesaid, and who have removed from thence, shall be returned thither again, and become a public charge, the same shall

shall be paid by the two towns aforesaid, in proportion to the tax laid on them severally from time to time.

SECT. 7. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall in any wise affect or alter any of the bounds of the several parishes within the town of *Falmouth*, but the same shall be and remain as heretofore by law established; any thing in this Act to the contrary notwithstanding. Bounds of parishes to remain as heretofore.

SECT. 8. *And be it further enacted,* That the inhabitants of the town of *Portland* shall from time to time amend and repair *Pride's* bridge, on *Presumpscutt-River*, and the great bridge on *Fore-River*, (so called) although the same be not included within the limits of *Portland* aforesaid. Town of Portland to support *Pride's* bridge, &c.

SECT. 9. *And be it further enacted,* That a certain tract of land without the limits of the town of *Portland*, and containing about one hundred and eighty acres, belonging to *Samuel Dean*, *Joshua Freeman*, and *Elizabeth Wise*, and which descended to them from *Moses Pearson*, late of *Falmouth* aforesaid, Esq. deceased, be, and the same is hereby annexed to the town of *Portland*, and shall be considered as part thereof; and the lands granted to the first parish in said *Falmouth*, for the support of the ministry there, are hereby annexed to said town of *Portland*, and shall be considered as part thereof, and shall enjoy the immunities that the other ministerial lands in said *Falmouth* have and enjoy, the same being without the limits of the town of *Portland* notwithstanding, so long as they continue ministerial lands, and no longer. Tract of land without the limits, annexed to Portland.

SECT. 10. *And be it further enacted,* That *Enoch Freeman*, Esq. be, and he hereby is directed to issue his warrant to some principal inhabitant of *Portland*, requiring him to notify and warn the inhabitants of said town of *Portland*, qualified by law to vote in town affairs, to meet at such time and place as therein shall be set forth, to choose such officers as any of the towns within this Commonwealth by law have a right to elect; and the officers so chosen shall take the respective oaths by law required to be by them taken. Enoch Freeman, Esq. to call a meeting.

SECT. 11. *Provided nevertheless,* That nothing in this Act shall be construed to affect any grants of land made to the first parish in *Falmouth* aforesaid, but such lands shall be the estate of the society which before the passing of this Act was called the first parish in *Falmouth*; any thing in this Act to the contrary notwithstanding. Proviso.

[This Act passed July 4, 1786.]

An ACT for naturalizing *Jonathan Curson* and *William Oliver*.

WHEREAS *Jonathan Curson*, late of *Exeter*, in Great-Britain, now residing in *Northampton*, in the county of *Hampshire*, in said Commonwealth, and *William Oliver* late of *Bridport*, Preamble.

*Bridport*, in *Great-Britain*, now residing in *Bridgetown*, in the county of *Cumberland*, have petitioned the General Court that they may be naturalized :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Jonathan Curson* and the said *William Oliver*, upon their taking the oath of allegiance to this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born citizens.

SECT. 2. *And be it further enacted*, That the Justices before whom the said *Jonathan Curson* and *William Oliver* may respectively take the oath aforesaid, shall return a certificate thereof into the Secretary's office, to be entered on the records of this Commonwealth.

[This Act passed July 7, 1786.]

## An ACT to divide the second Parish of the Town of *Springfield* into two Parishes.

Preamble.

WHEREAS for the greater convenience of attending the public worship of God, it is found necessary, that that part of the second parish of the town of *Springfield*, which lieth on the west side of *Connecticut* River, should be made a separate and distinct parish :

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the aforesaid part of said parish be and hereby is formed into a separate and distinct parish, and shall be called and known by the name of the third Parish in *West-Springfield*, and shall be bounded as follows, viz. Easterly by *Connecticut* River, northwardly by *Northampton*, westerly by *Southampton*, and southerly by the first parish of *West-Springfield*.

Inhabitants invested with powers.

SECT. 2. *And be it further enacted*, That all the inhabitants within the limits and boundaries aforesaid, shall be considered as belonging to said parish ; and they are hereby invested with all powers, rights, privileges and immunities, which other parishes in this Commonwealth are invested with.

Justin Ely, Esq. to call a meeting.

SECT. 3. *And be it further enacted*, That *Justin Ely*, Esq. be, and hereby is empowered, to issue his warrant to some principal inhabitant of said parish, requiring him to notify and warn the inhabitants thereof, to meet at such time and place, as by said warrant shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of said parish ; and the inhabitants qualified by law to vote, being so assembled, shall be and hereby are empowered to choose such officers accordingly.

[This Act passed July 7, 1786.]

An

An ACT to incorporate the Plantation called *Sylveſter*, into a Town by the name of *Turner*.

**W**HEREAS it appears to this Court, that it would be Preamble.  
productive of public good, and for the benefit of the inhabitants and proprietors of the ſaid plantation, that the ſame ſhould be incorporated into a Town :

SECT. 1. *Be it enacted by the Senate and Houſe of Representatives, in General Court aſſembled, and by the authority of the ſame,* That the plantation called *Sylveſter*, and included within the boundaries deſcribed in this Act, together with the inhabitants thereof, be, and they are hereby incorporated into a town by the name of *Turner* : beginning at a place in *Androſcoggin River*, called Crooked Repels, at a large tree marked S, about fix miles (as the river runs) above *Androſcoggin Great-Falls*, which was denominated in the confirmation of the grant of the ſaid townſhip, to the proprietors, dated *June* the twentieth, one thouſand ſeven hundred and ſixty-eight, “the eaſterly corner of *Bakerſtown* ſo called,” from thence running north ſixty degrees weſt in the northeaſterly line of the ſaid *Bakerſtown*, five miles and a half, to the northerly corner thereof ; thence running north twenty-fix degrees eaſt by that which at the above-ſaid date was province land, ten miles and one hundred and eighty rods, to a ſtake with ſtones about it ; thence running by then province land, ſouth, ſixty degrees eaſt, three miles, and two hundred and fifty rods, to a heap of ſtones by the ſaid river ; thence running ſoutherly by the ſaid river to the bounds firſt mentioned ; and the ſaid town is hereby veſted with all the Veſted with powers. powers, privileges and immunities, which towns within this Commonwealt, are entitled to, or by law do enjoy.

SECT. 2. *And be it further enacted by the authority aforeſaid,* That *Iſaac Parſons*, Eſq. of *New-Glouceſter*, be, and he hereby Iſaac Parſons, Eſq. to call a meeting. is empowered to iſſue his warrant to ſome principal inhabitant of the ſaid town, requiring him to warn the inhabitants thereof to meet at ſuch time and place as he ſhall therein ſet forth, to chooſe all ſuch officers as towns are by law required and empowered to chooſe in the month of *March* or *April*, annually.

[This Act paſſed *July 7, 1786.*]

An ACT granting leave to *Samuel Barnard, jun. Jonathan Hoit* and *John Williams*, to erect a Bridge over *Deerfield River*, between *Deerfield* and *Greenfield*, in the County of *Hampſhire*.

**W**HEREAS application hath been made to this Court, Preamble.  
for permiſſion to build a bridge over *Deerfield river*, between *Deerfield* and *Greenfield*, at a place called *Rocky-Mountain* ; and it appearing that a bridge in ſaid place would be of great public utility :

SECT.

**SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the purposes of reimbursing to Samuel Bernard, jun. Jonathan Hoit, and John Williams, their heirs, associates and assigns, the monies expended or to be expended, in building and supporting the said bridge, a toll be, and hereby is granted and established for the sole benefit of the said Samuel Bernard, jun. Jonathan Hoit and John Williams, their heirs, associates and assigns, according to the rates following, viz.*

**Toll established** *For each foot passenger, or one person passing, } one penny, one third of a penny.*  
*One person and horse, two pence, two thirds of a penny.*  
*Single horse cart, sled or sleigh, four pence, two thirds of a penny.*  
*Sleigh, drawn by two or more horses, six pence.*  
*Single horse-chaise, chair or fulkey, six pence.*  
**Rates of toll.** *Coaches, chariots, phaetons } one shilling and four pence.*  
*and curricles,*  
*All other wheel carriages, drawn } one shilling.*  
*by more than one beast,*  
*Neat cattle and horses passing the said bridge, } one penny.*  
*exclusive of those ridden or in carriages or teams, each,*  
*Swine and sheep, for each dozen, and at the } four pence.*  
*same rate for a greater or less number,*

**Gates to be left open on the Lord's days, &c.** *And in all cases, the same toll shall be paid for all carriages and vehicles, passing the said bridge, whether the same be loaded or not loaded ; and to each team one man, and no more, shall be allowed as a driver, to pass free from payment of toll, and the toll-gatherer shall not be obliged at any time to open the gate or gates for any passenger or passengers, until he is paid the rate or toll of such passenger or passengers : And at all times, when the toll-gatherer shall not attend his duty, and from sun-rising to sun-setting, on the Lord's day, the gate or gates shall be left open, and the said toll shall commence on the first day of the first opening of the said bridge for passengers, and shall continue for, and during the term of fifty years from the said day ; and for the space of seventy years, next after the expiration of the said fifty years, such toll shall be paid for the benefit of the persons, and for the purpose before mentioned, as shall from time to time be approved of, and determined on, by the Court of General Sessions of the Peace, for the county wherein such bridge shall be.*

**Toll, when to commence, and how long to continue.** **SECT. 2.** *Provided nevertheless, That if at any time during the continuance of the said term of fifty years, the county road, now leading from the said town of Deerfield to Greenfield, across the said river, shall be discontinued, or shall not be kept and maintained in repair, no greater toll shall thereafter be paid for passing the said bridge, than shall from time to time be ordered and*

**Proviso.**

and allowed by the Court of General Sessions of the Peace for the said county; any thing in this Act to the contrary notwithstanding.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said bridge shall be well built, at least sixteen feet wide, of sound and suitable materials, with a well constructed, substantial pier in the middle, to be built with stone, to be sixty-five feet, at least, in length, and thirty feet in width, and forty feet in height, and well planked on the top, with stuff proper for such a bridge, and the abutments on each shore, built of a suitable height, and with stone: and the proprietors shall keep the said bridge in good, safe, and passable repair, for the term of one hundred and twenty years, and at the end of said term of one hundred and twenty years the said bridge shall be left in like repair, and shall revert to, and be the property of the Commonwealth; and if the proprietors shall unreasonably refuse, or neglect to keep said bridge in such safe, and passable repair, as aforesaid, on such refusal or neglect being made to appear to the satisfaction of the Justices of the Court of General Sessions of the Peace, in the county where said bridge shall be, it shall be in the power of the Justices aforesaid to prohibit and forbid the proprietors aforesaid from receiving any toll from any person or persons, for the use of said bridge, until it is again put into such passable repair, as by the same Justices shall be deemed sufficient: and if the proprietors of said bridge, or any of them, or any other person, shall, during the time of such prohibition as aforesaid, be convicted before any Justice of the Peace, for the same county, of receiving of any person or persons any toll or reward for the use of the said bridge, the person or persons, so convicted, shall forfeit and pay for each offence, the sum of *six shillings*, one moiety thereof to accrue to the person or persons complaining, the other moiety to the use of the poor of the town of *Deerfield*.

Bridge how constructed, &c.

Proprietors to keep it in good repair.

In case of refusal or neglect no toll shall be received.

SECT. 4. *And be it further enacted,* That if the said proprietors shall refuse or neglect for the space of four years, after the passing of this Act, to build and complete the said bridge, then this Act to be void and of no effect.

Four years allowed to complete the bridge.

[This Act passed *July 7, 1786.*]

## An ACT confirming a Treaty made with the *Penobscot* Tribe of Indians.

WHEREAS by a resolve of the General Court of the sixth day of *July*, in the present year, *Benjamin Lincoln, Thomas Rice, and Rufus Putnam*, Esquires, were appointed Commissioners to treat with the *Penobscot* tribe of Indians, respecting their claims to lands on *Penobscot River*: And whereas the said Commissioners did, on the thirtieth day of *August*, in

the present year, make report of an agreement entered into, between them, the said Commissioners, and the said *Penobscot* tribe of Indians: which report is in the words following, viz.

Treaty.

It was agreed by the said Indians on their part, that they would relinquish all their claims and interest to all the lands on the west side of *Penobscot River*, from the head of the tide up to the river *Pasquataquiss*, being about forty-three miles; and all their claims and interest on the east side of the river, from the head of the tide aforesaid, up to the river *Mantaquomkeektook*, being about eighty-five miles; reserving only to themselves the island on which the old town stands, about ten miles above the head of the tide, and those islands on which they now have actual improvements, in the said river, lying from *Sunkaze River*, about three miles above the said old town, to *Passadunkee Island* inclusively, on which island their new town, so called, now stands. In consideration hereof, WE, in the name and in behalf of the Commonwealth, engage that the Indians should hold and enjoy in fee, the islands reserved as aforesaid, and the fee of two islands in the bay called and known by the name of *White Island* and *Black Island*, near *Naskeeg Point*: And WE further agreed, that the lands on the west side of the river *Penobscot*, to the head of all the waters thereof, above the said river *Pasquataquiss*, and the lands on the east side of the river to the head of all the waters thereof above the said river *Mantaquomkeektook*, should lie as hunting ground for the Indians, and should not be laid out or settled by the State, or engrossed by individuals thereof: And WE further agreed as aforesaid, to make the Indians a present of three hundred and fifty blankets, two hundred pounds of powder, with a proportion of shot and flints: Therefore,

Agreement confirmed.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the agreement expressed in the report herein before recited, be, and it is hereby ratified and confirmed on the part of this Commonwealth; and the Governor, with the advice of Council, is hereby authorized and empowered to appoint and commission some suitable person to repair to the said *Penobscot* tribe of Indians, to carry into execution the said agreement; to deliver the blankets, powder, shot and flints mentioned therein; and to receive from the said tribe of Indians a deed of relinquishment in due form, of the lands mentioned in, and conformable to the said agreement; and when the said deed of relinquishment shall be executed as aforesaid, this Act shall be considered as a complete and full confirmation of the agreement herein before recited, agreeably to the true intent and meaning thereof. And a copy of this Act, under the signature of the Governor, with the seal of the Commonwealth affixed, shall be delivered to the Indians by such person as the Governor shall commission to execute this business.*

[This Act passed *October 11, 1786.*]

An



An ACT to incorporate the Plantation called *Sterlington*, in the County of *Lincoln*, into a Town by the Name of *Union*.

**W**HEREAS it appears to this Court, that it would be Preamble.  
productive of public good, and for the benefit of the  
inhabitants and proprietors thereof, that the plantation called  
*Sterlington*, in the county of *Lincoln*, should be incorporated  
into a town:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*  
That the plantation called *Sterlington*, and included within the  
boundaries described in this Act, together with the inhabitants  
thereof, be, and they are hereby incorporated into a town by  
the name of *Union*, beginning at the southeasterly corner Boundaries.  
thereof, being a stake and stones; thence bounding easterly  
on land belonging to *Waldo's* heirs, by a line running north-  
west by north eleven miles and eighty rods; thence bounded  
northerly by land supposed to belong to the Commonwealth,  
by a line running southwest by west, five miles and twenty-  
four rods; thence westerly by lands supposed to belong to said  
*Waldo's* heirs, by a line running south three miles and two  
hundred rods; thence on the same land, east, three miles and  
an half; thence south two miles and an half and twenty rods;  
thence bounded west on the town of *Warren*, by a line run-  
ning east six miles and two hundred and fifteen rods, to the  
bounds first mentioned; and the said town is hereby vested Vested with Powers.  
with all the powers, privileges and immunities which towns  
within this Commonwealth are entitled to, or by law do  
enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,*  
That *Waterman Thomas*, Esq. be, and he hereby is empowered Waterman Thomas, Esq. to call a meeting.  
to issue his warrant to some principal inhabitant of the said  
town, requiring him to warn the inhabitants thereof to meet  
at such time and place as he shall therein set forth, to choose  
all such officers as towns are required and empowered by law  
to choose in the month of *March* or *April*, annually.

[This Act passed *October 20, 1786.*]

An ACT for incorporating a Part of *Templeton*, and a  
Part of *Athol*, in the County of *Worcester*, into a  
Town by the Name of *Gerry*.

SECT. 1. *BE it enacted by the Senate and House of Represen-*  
*tatives, in General Court assembled, and by the*  
*authority of the same,* That the lands herein after described, *viz.*  
Beginning at *Hubbardston* line, where burnt-shirt stream runs Boundaries.  
out of said *Templeton*, thence stemming said stream to a maple  
tree,

tree, being the southerly corner of the second division lot number forty-seven, thence running north thirty degrees west to *New-Brook*, so called, thence running down said *Brook* to *Royalston* line, thence west to *Athol* line, being the northwest corner of *Templeton*, thence on said *Athol* line to *Miller's-River*, thence down said river to a brook, called thousand-acre *Meadow Brook*, thence south-westerly by the westerly corner of the hundred acre lot number twenty-two, thence straight to the most westerly corner of said *Templeton*, thence by said *Templeton* line to the place where it began, with the inhabitants thereon dwelling, be, and they hereby are incorporated into a town by the name of *Gerry*: And said town is hereby invested with all the powers, privileges and immunities, to which any town within this Commonwealth is entitled, agreeably to the constitution and laws of this Commonwealth.

Invested with powers.

To pay their proportion of all taxes.

Public property shall belong to Templeton and Athol.

Isaac Mirrick and estate, shall belong to Templeton—unless.

Eben. Knight, and others, to belong to Athol,—provided.

Hiram Newell, Esq. to call a meeting.

SECT. 2. *And be it further enacted*, That the inhabitants of the said town of *Gerry* shall pay their proportion of all taxes already granted to be raised in the several towns from which they were set off, and shall support all the poor who before the passing this Act, belonged to the towns of *Templeton* and *Athol*, and now fall within the town of *Gerry*, and no more.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all the public property which heretofore belonged to the several towns from which the said town of *Gerry* is taken, shall still belong to said towns of *Templeton* and *Athol* respectively.

SECT. 4. *And it is further enacted*, That *Isaac Mirrick*, with his estate, shall still belong to the town of *Templeton*, unless he shall at some time within one year from the passing this Act, return a certificate into the Secretary's office, signifying his desire to belong to the town of *Gerry*, in which case he with his estate shall be considered as belonging to the town of *Gerry* accordingly.

SECT. 5. *And be it further enacted*, That *Ebenezer Knight*, *Isaac Ball*, jun. *Israel Sprague*, *Benjamin Preston*, *Robert Young*, jun. and *Zaccheus Rich*, with their polls and estates, shall belong to the town of *Athol*, provided they, or any of them, shall, within nine months from the passing this Act, return their names respectively into the Secretary's office, and signify their desire of belonging to the same: And that *Elias Sawyer*, with his polls and estate, shall belong to the town of *Templeton*, provided he shall within nine months from the passing this Act, return his name into the Secretary's office, and signify his desire of belonging to the same.

SECT. 6. *And it is further enacted by the authority aforesaid*, That *Hiram Newell*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Gerry*, to assemble and meet at some suitable time and place in the

the said town, to choose all such officers as towns are required to choose at their annual town-meeting in the month of *March* or *April* annually.

[This Act passed *October* 20, 1786.]

An ACT for the confirming of the Second Church in *Boston*, so called, in their Title to certain Lands.

**W**HEREAS in consequence of the destruction of the build- Preamble.  
ing known by the name of the Old-North Meeting-House in *Boston*, the society who formerly assembled there, and the society who assembled at the New Brick Church, so called, in said *Boston*, have mutually united under the name of the Second Church in *Boston*, and have agreed that the lands, tenements and hereditaments, formerly belonging to each of said churches respectively, shall henceforth be the common interest and estate of said newly united churches, called the Second Church in *Boston*: And whereas doubts have arisen, whether such agreement is sufficient to enable said Second Church to make sale of such estate as formerly belonged either to said New Brick Church, or to the church formerly assembled at said Old-North Meeting-House: And whereas the land on which the building aforesaid formerly stood, and thereunto belonging, had been in possession of said Old-North Church, before the union aforesaid, for more than one hundred years, but the deed thereof cannot be found:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the agreement aforesaid, made between the churches Agreement confirmed aforesaid, under the name of the Second Church in *Boston*, be, and hereby is confirmed; and said Second Church in *Boston* is hereby confirmed in their title in the land aforesaid, and in all the estate, tenements and hereditaments which at the time of making such agreement belonged to the churches aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *John Tudor, Samuel Ridgway, and William Bell,* Deacons of said Second Church in *Boston*, and their successors, forever, in that office, by themselves, or together with such Committee or other persons as the society of said Second Church in *Boston* shall appoint, be, and hereby are empowered and authorized to make sale of all or any part of the aforesaid lands, tenements and hereditaments, to such persons as shall purchase the same, in fee-simple, forever: And to make and execute good and sufficient deeds in law of the same, or to lease or otherwise dispose of the same in the name and behalf of the said Second Church in *Boston*. Deacons of said church, and their successors, empowered to make sale of lands.

[This Act passed *October* 23, 1786.]

Additional  
Act, February  
9, 1787.

An ACT granting Indemnity to sundry Offenders, on certain Conditions, and providing for the Trial of such, who shall neglect or refuse to comply with said Conditions, and of those who shall be guilty of like Offences in future.

Preamble.

**W**HEREAS many deluded persons, from a pretence of redressing public grievances, have forcibly interrupted the regular administration of law and justice in several counties in this Commonwealth, and have committed outrages which tend to the utter subversion of the constitutional authority thereof: And whereas the legislature are willing to extend their clemency to all such deluded persons, provided they return to a due sense of their allegiance to the government, as well as determined to punish those who shall persevere in their destructive opposition:

Persons concerned in outrageous proceedings, required to take the oath of allegiance.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all persons, of what description soever, who, since the first day of *June* last, being citizens of this Commonwealth, may have been concerned in obstructing the sitting of the Courts of law in any county in this Commonwealth, or in any outrageous proceedings, which may have been done or committed by tumultuous bodies of men, assembled for the purpose of opposing the authority of government and due execution of the laws, be, and they are hereby required, before some lawful magistrate, to take and subscribe the oath of allegiance, prescribed in the constitution of said Commonwealth, on or before the first day of *January* next.

Certificates thereof to be returned into the Secretary's office.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the several magistrates before whom the offenders aforesaid shall take and subscribe the said oath of allegiance, shall return certificates thereof unto the Secretary's office, as soon as may be after the taking and subscribing of the same.

Those who take the oath, indemnified from prosecution.

SECT. 3. *And be it further enacted,* That all persons, who may have been concerned in obstructing the sitting of the Courts of law, or in any outrageous proceedings as aforesaid, who shall, before the said first day of *January*, take and subscribe the oath of allegiance in manner as aforesaid, be, and they are hereby *indemnified*, from all criminal prosecutions to which they may be liable on account of their illegal proceedings as aforesaid.

Proviso.

*Provided nevertheless,* That the indemnity granted by this Act, shall not be extended to any person or persons, who, after the publication of said Act, and before the said first day of *January*, shall be concerned in obstructing the sitting of the Courts of law, or in any outrageous proceedings, subversive of the authority of law and government; but they shall, in all respects, be liable to be apprehended and tried, in manner as is hereafter provide

provided. *And it is hereby further provided*, That nothing contained in this Act shall be construed to extend to indemnify any person or persons whatever, from any suits or prosecutions to which they may be liable, for injuries done or committed to the property or persons of any individual.

SECT. 4. *And be it further enacted by the authority aforesaid*, That all such persons, who may have offended as aforesaid, and who shall neglect or refuse, before the said first day of *January* next, to take and subscribe the oath of allegiance, in manner as aforesaid, shall be subject to be apprehended and tried before the Justices of the Supreme Judicial Court, either in the county in which said offence was committed, or in any county within this Commonwealth nearest thereto, where law and justice can be administered without apprehension of interruption. And all persons who shall after the publication of this Act be guilty of the like offence, shall be liable to be tried in the same manner. And such trial shall be had, judgment rendered, and execution done, to all intents and purposes, in like manner and form, as if such offences had been committed within the body of the same county where the said trial may be had; any law or usage to the contrary notwithstanding.

Persons neglecting, subject to be apprehended and tried in any county.

[This Act passed *November 15, 1786.*]

An ACT in addition to an Act, entitled, "An Act granting Indemnity to sundry Offenders on certain Conditions, and providing for the Trial of such who shall neglect or refuse to comply with said Conditions, and of those who shall be guilty of like Offences in future."

**W**HEREAS in the Act, entitled, "An Act for granting Preamble. indemnity to sundry offenders on certain conditions, and providing for the trial of such who shall neglect or refuse to comply with said conditions, and of those who shall be guilty of like offences in future," passed the last session of this present General Court, it is among other things enacted, that certain offenders therein described, "shall be subject to be apprehended and tried before the Justices of the Supreme Judicial Court, either in the county in which the said offence was committed, or in any county within this Commonwealth nearest thereto, where law and justice can be administered without apprehension of interruption;" but no provision is therein made in what manner, or by whom, the trial of such offenders in any other county than that in which the offence hath been or shall be committed, shall be ordered and appointed, in virtue of said Act:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

Governor and Council, authorized to order the trial of offenders to be had in any county.

*same*, That the Governor, by and with the advice and consent of the Council, be, and he hereby is authorized and empowered, by warrant under the seal of the Commonwealth, by him subscribed, and directed to the Justices of the Supreme Judicial Court, to order and appoint the trial of such offenders to be had in any other county, than that in which the offence hath been or shall be committed, nearest thereto, where law and justice can be administered, without apprehension of interruption; and such offenders shall be there tried, agreeably to such order and appointment. And the Justices of the said Court, shall charge the Grand Jurors serving therein, for the body of the same county, diligently to inquire into and true presentment to make of all such offences, in like manner and form, as if they had been committed, within the body of their county; whose duty it shall be to do accordingly.

Clause respecting persons already indicted.

SECT. 2. *And be it further enacted by the authority aforesaid*, That if any person or persons are already indicted for any of the offences described in the Act above referred to, by the Grand Jurors for the body of the county within which the said offences are alleged and charged to have been committed, and the trial of such person or persons shall be ordered and appointed, in manner aforesaid, to be had in any other county; then, and in such case, the Justices of the said Court shall order the indictment to be brought before them, in the county wherein the trial of such person or persons shall be so ordered and appointed to be had, as aforesaid; and the same proceedings shall be had therein, and the like judgment rendered and execution done, in all respects, as would and ought to have been had, rendered, and done, if the trial was had, within the county wherein the offence had been committed.

When danger of an escape or rescue is apprehended, Justices may cause convicts to be removed by a writ of habeas corpus.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if the Justices of said Court, shall apprehend there is danger of an escape or rescue, of any person or persons, who shall be convicted before them of any of the offences described in the aforementioned Act, whereby the judgment rendered against them may be avoided, it shall be lawful for the Justices of the said Court to cause such convicts to be removed by a writ of *habeas corpus*, (in which the reason of the removal shall be set forth) from the gaol of the county, in which they shall have been tried and convicted, into the gaol of any other county, for their more safe keeping.—And the several sheriffs and keepers of the gaols shall receive the said convicts into their custody and safe keeping, as shall be commanded them by the said writs; and judgment shall be executed upon all such convicts, within the county into which they shall be so removed, in like manner, in all respects, as it would and ought to have been done, had they been tried and convicted in the same county.

[This Act passed February 9, 1787.]

An

An ACT making perpetual an Act respecting the Grammar School, in Ipswich, in the County of Essex.

**W**HEREAS a law respecting the said School, was enacted Preamble.  
in the year one thousand seven hundred and sixty-five,  
to be in force for the term of twenty-one years, from the first  
day of *March*, one thousand seven hundred and sixty-six, which See Appendix.  
law has been found beneficial, and to answer the purposes for  
which it was enacted :

*Be it therefore enacted by the Senate and House of Representatives,  
in General Court assembled, and by the authority of the same, That*  
the said law, entitled, “ An Act for regulating the Grammar Enacting clause.  
School in *Ipswich*, in the county of *Essex*, and for incorporating  
certain persons to manage and direct the same,” be and hereby  
is made perpetual.

[This Act passed February 14, 1787.]

An ACT describing the Disqualifications to which Persons shall be subjected, who have been or may be guilty of Treason, or giving Aid or Support to the present Rebellion, and to whom a Pardon may be extended.

**W**HEREAS the General Court, at their present sessions, Preamble.  
have “ *resolved*, That the Governor be authorized and  
empowered, in the name of the General Court, to promise a  
pardon, under such disqualifications as should thereafter be pro-  
vided, to such private soldiers and others, who might have acted  
in the capacity of non-commissioned officers, as had been, or  
were in arms against the Commonwealth, with such exceptions  
as he, or the general officer, commanding the troops, might  
judge necessary : *Provided*, they should deliver up their arms,  
and take and subscribe the oath of allegiance to this Common-  
wealth, within such time as might be limited by his Excellency,  
for that purpose : ”

And whereas it is fit and expedient, that the conditions and  
disqualifications upon which the pardon and indemnity to the  
offenders aforesaid, should be offered and given, should, as soon  
as possible, be established and made known :

SECT. 1. *Be it enacted by the Senate and House of Representa-* No pardon shall  
*tives, in General Court assembled, and by the authority of the same,* be promised to  
That no pardon or indemnity, shall be promised as aforesaid by any person or  
the Governor, by virtue of any Act or resolve of the General persons, unless  
Court, that has been or shall be passed, to any person or persons, they deliver up  
who have acted in the capacity of non-commissioned officers or their arms and  
privates, or persons of any other description, who, since the first subscribe the  
day of *August*, seventeen hundred and eighty-six, have been, oath of alle-  
giance within  
the time limit-  
now ed.

now are, or hereafter may be in arms against the authority and government of this Commonwealth, or who have given or may hereafter give them counsel, aid, comfort or support, voluntarily, with intent to encourage the opposition to government, unless they shall on or before such time as the Governor shall limit for that purpose, deliver up their arms to, and take and subscribe the oath of allegiance, before some Justice of the Peace, within some county of this Commonwealth; and no pardon or indemnity shall be offered or given by the Governor to any of the offenders aforesaid, who are not citizens of this State.

Conditions and  
disqualifica-  
tions.

SECT. 2. *And be it further enacted by the authority aforesaid,* That to whomsoever of the offenders aforesaid, the Governor shall think fit, by virtue of any Act or resolve of the General Court, to promise a pardon and indemnity, for the offences aforesaid, it shall be under the following restrictions, conditions and disqualifications, *that is to say,* That they shall keep the peace for the term of three years, from the time of passing this Act, and that during that term of time, they shall not serve as Jurors, be eligible to any town-office, or any other office under the Government of this Commonwealth, and shall be disqualified from holding or exercising the employments of school-masters, inn-keepers or retailers of spirituous liquors, or either of them, or giving their votes for the same term of time, for any officer, civil or military, within this Commonwealth, unless such persons, or any of them, shall, after the first day of *May*, seventeen hundred and eighty-eight, exhibit plenary evidence of their having returned to their allegiance, and kept the peace, and that they possess an unequivocal attachment to the government, as shall appear to the General Court a sufficient ground to discharge them, or any of them, from all or any part of the disqualifications aforesaid.

Duty of the  
Justices before  
whom offend-  
ers may deliver  
up their arms,  
&c.

SECT. 3. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the Justice before whom any offender or offenders aforesaid may deliver up their arms, and take and subscribe the oath aforesaid, and he is accordingly directed, immediately on the expiration of the term to be limited by the Governor as aforesaid, to certify to the clerks of the several towns, districts, and plantations, whereunto the offenders may belong, the names of all such who shall deliver up their arms and take and subscribe the oath aforesaid, and shall also, as soon as may be after the expiration of the said term, make a return to the Secretary of this Commonwealth, of the number of arms in his possession, and to whom they belong, and shall at the same time lodge with the Secretary, their original subscription to the oath of allegiance; and it shall be the duty of the Justice to require such as shall take and subscribe the oath of allegiance, to subjoin to their names, their places of abode, and their additions, and if required, to give to each offender who shall



shall deliver up his arms, and take and subscribe the oath aforesaid, a certificate of the same under his seal; and he shall be intitled to ask and receive *nine pence*, of the offenders, for each certificate. And any Justice of the Peace to whom any arms may voluntarily be delivered as aforesaid, shall certify to the Major-General or commanding-officer, of the division in which the said Justice may live, the number of arms so delivered to him, and by whom they were delivered; and it shall be the duty of such Major-General or commanding-officer, to give such directions as he may think necessary, for the safe keeping such arms, in order that they may be returned to the person or persons who delivered the same, at the expiration of the said term of three years, in case such person or persons shall have complied with the conditions above-mentioned, and shall obtain an order for the re-delivery of such arms, from the Governor, who is hereby authorized and empowered to make such order, unless it appears to him, that the conditions aforesaid have not been complied with.

SECT. 4. *Be it further enacted by the authority aforesaid,* That if any offender or offenders aforesaid, who shall deliver up their arms and take and subscribe the oath of allegiance, as aforesaid, or to whom a pardon may be promised by virtue of any future act or resolve of the General Court, shall vote, or offer to vote in any town or other meeting, for any office, civil or military, within the Commonwealth, or shall make, forge, or alter any certificate of a Justice, of his having delivered up his arms, and taken the oath of allegiance, as aforesaid, he shall forfeit all his right and interest in and to the pardon and indemnity which may be promised him by virtue of the authority aforesaid, and be subject to the same pains and penalties, as if such promise had never been made.

Penalty for voting, &c. after being disqualified.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the Governor be, and he hereby is authorized and empowered to promise a pardon of their past offences, unconditional, and without any disqualifications, to all such privates, as have borne arms against the government of this Commonwealth, who afterwards voluntarily took up arms previously to the first day of *February* current, in support of the said government, and to those who, agreeably to the proposals of General *Lincoln*, of the twenty-ninth and thirtieth of *January* last, voluntarily came in, surrendered their arms, and took and subscribed the oath of allegiance within three days from the said twenty-ninth day of *January*, any thing in this Act to the contrary notwithstanding: *Provided*, That no pardon which shall be promised by the Governor, shall be construed to extend to indemnify any person or persons whatever, from any suits or prosecutions, to which they may be liable, for injuries done or committed to the property or person of any individual.

Governor empowered to promise pardon, unconditional, to certain privates.

Proviso.

SECT.

Those who do not deliver up their arms, and take and subscribe the oath of allegiance, shall be held as rebels and open enemies.

SECT. 6. *Be it further enacted by the authority aforesaid,* That it is the duty of all officers civil and military, within this Commonwealth, to hold all offenders as aforesaid, who shall not within the term to be limited as aforesaid, deliver up their arms and take and subscribe the oath of allegiance, as rebels and open enemies, and they are directed and required, to encounter, pursue, conquer, apprehend, and secure them, so that they may be brought to trial and punishment; and all the citizens of this Commonwealth are hereby required to aid and support the said officers, in the execution of their said duty.

Governor requested to except certain persons out of the pardon.

SECT. 7. *And be it further enacted,* That the Governor be, and he hereby is requested, to except out of the pardon he shall promise, by virtue of the resolve abovementioned, all those who have been members of any General Court in this State, or of any State or county convention, or who have been employed heretofore in any commissioned office, civil or military, those who, after delivering up their arms, and taking the oath of allegiance during the present rebellion, have again taken and borne arms against the government; those who have fired upon, or wounded any of the loyal subjects of this Commonwealth; those who have acted as committees, counsellors or advisers to the rebels; and those, who in former years have been in arms against the government, in the capacity of commissioned officers, and were afterwards pardoned and have been concerned in the present rebellion.

Town-Clerks directed to read this Act.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the Clerks of the several towns, districts and plantations, be directed to read this Act at the opening of their annual meetings in *March* and *April* next.

[This Act passed *February 16, 1787.*]

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An ACT for incorporating the easterly Part of the Town of *Dartmouth*, in the County of *Bristol*, into a separate Town, by the Name of *New-Bedford*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described, *to wit,* Beginning at a bridge lying across a stream that runs through the beach, by a place called *Clark's-Cove*, thence running northerly as the main branch of the stream runs, till it comes to a little bridge lying across the country road, at the foot of a hill about twenty rods to the eastward of the dwelling house, where *James Peckman*, deceased, last dwelt; thence northerly on a straight line to *Nathaniel Spooner's* saw-mill; from thence northerly on the west side of *Bolton's* cedar swamp, till it comes to the dividing line between *Dartmouth* and *Freetown*, near the place called *Aaron's* causeway; thence east twenty-two degrees and one half north,

north, in the dividing line between said towns, to a rock, known by the name of peaked rock; thence southerly by the country road that leads from *Dartmouth* to *Boston*, one hundred and eight rods, to the fourth-west corner of *Ebenezer Lewis's* homestead farm; thence east about three hundred rods in the dividing line, between *Rocheſter* and *Dartmouth*, to a large white-pine tree, marked on three ſides; thence ſouth ſix degrees and one half eaſt, in the dividing line, between *Dartmouth* and *Rocheſter*, to a heap of ſtones by the ſea; thence weſterly, to the firſt mentioned bounds; with all the iſlands heretofore known to be a part of *Acquiſnot* village, with the inhabitants dwelling on the lands above deſcribed, be, and they are hereby incorporated into a town by the name of *New-Bedford*: and the ſaid town is hereby inveſted with all the powers, privileges and immunities, to which towns within this Commonwealth are, or may be entitled, agreeably to the Conſtitution and laws of the ſaid Commonwealth.

SECT. 2. *Provided nevertheless, and be it further enacted*, That any of the inhabitants now dwelling on the above deſcribed lands, who are or may be ſtill deſirous of belonging to the town of *Dartmouth*, ſhall at any time, within two years from the paſſing this Act, by returning their names into the Secretary's office, and ſignifying their deſire of belonging to ſaid *Dartmouth*, have that privilege; and ſhall with their polls and eſtates belong to, and be a part of the ſaid *Dartmouth*; they paying their proportion of all taxes, which ſhall have been laid on the ſaid village of *Acquiſnot*, or town of *New-Bedford*, previously to their thus returning their names, as they would by law have been holden to pay, had they continued, and been a part of the town of *New-Bedford*.

SECT. 3. *Be it enacted by the authority aforeſaid*, That the inhabitants of the ſaid town of *New-Bedford*, ſhall pay all the arrears of taxes, which have been aſſeſſed upon them, and their proportionable part of what remains unpaid of the beef-tax, ſo called, together with their proportion of all debts, that are now due from the ſaid town of *Dartmouth*, and ſhall ſupport their own poor.

SECT. 4. *Be it enacted by the authority aforeſaid*, That the public lands, and the buildings ſtanding thereon, alſo the town's ſtock of powder, and other town's property, ſhall be eſtimated and divided in the ſame proportion, that each village paid in the laſt State tax, by committees to be appointed for that purpoſe, at their annual town-meeting in *March* or *April* next: And whatever ſum ſhall be found due to the town of *Dartmouth*, in conſequence of the work-houſe ſtanding within the line of *New-Bedford*, as ſhall be reported by ſaid committees, the inhabitants of ſaid *New-Bedford* ſhall pay to the ſaid town of *Dartmouth*.

SECT. 5. *And be it enacted by the authority aforeſaid*, That *Elifha May*, Eſq. be, and he hereby is empowered, to iſſue his warrant, *Elifha May, Eſq. to call a meeting.*

warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *New-Bedford*, to assemble and meet at some suitable place, in the said town, to choose all such town-officers, as towns are required to choose at their annual town-meetings, in the month of *March* or *April*, annually.

[This Act passed *February 23, 1787.*]

Divided February 10, 1796.

An ACT for incorporating a certain Plantation in the County of *Lincoln*, called *Majorbigwaduce*, or Number-Three, into a Town by the Name of *Penobscot*.

Preamble.

**W**HEREAS the inhabitants of the said plantation labour under many difficulties and inconveniencies for want of being incorporated into a town: Therefore,

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the lands lying within the following limits, with the inhabitants thereon, viz. Beginning at *Buck-Harbour*, so called, on the dividing line between Number-Three and Number-Four, and from thence running northeasterly, on the westerly line of Number-Four, Number-Five, and Number-Six, to the southerly corner of Number-Two; thence westerly, on the southerly line of Number-Two, to *Penobscot River*; thence southerly, down the same river, and *Penobscot Bay*, to the southwestermost part of *Cape Rozier*; thence easterly, including *Spectacle Island* to *Buck Harbour* aforesaid, the place of beginning, be, and hereby are incorporated into a town, by the name of *Penobscot*; and the said town is hereby invested with all the powers, privileges and immunities, that the towns in this Commonwealth are entitled to, according to law.

Incorporated and invested with powers.

Joseph Hibbert, Esq. to call a meeting.

SECT. 2. *And be it further enacted,* That *Joseph Hibbert, Esq.* be, and he hereby is empowered, to issue his warrant, to some principal inhabitant of said town, to warn the inhabitants thereof to assemble, at such time and place in said town, as by said warrant shall be appointed, to choose all such officers as by law are appointed to be chosen annually, in the month of *March* or *April*; and the said inhabitants being so assembled, shall be, and hereby are empowered to choose such officers accordingly.

Proviso.

SECT. 3. *Provided nevertheless,* That nothing in this Act shall in any manner affect the right of soil, in the lands aforesaid, or discharge the taxes already assessed, or ordered to be assessed, in the said plantation; but the said town shall be considered as held to pay all such taxes, which remain due and unpaid from the said plantation.

[This Act passed *February 23, 1787.*]

An ACT for preventing Persons serving as Jurors, who in consequence of having been concerned in the present Rebellion, are by Law disqualified therefor.

**W**HEREAS by an Act, entitled, "An Act for regulating Preamble. the choice and services of Petit Jurors," it is among other things provided, "That if any person whose name shall be put into either box, shall be guilty of any gross immorality, his name shall be withdrawn from the box, by the Selectmen of the town."

And whereas by an Act passed the present session of the General Court, the pardon which his Excellency the Governor is authorized to promise to persons who have been concerned in the present rebellion, is upon condition that they do not serve as Jurors within three years:

And whereas it is reasonable to provide as far as may be, not only for the due administration of justice, but also for the relief of such persons as have been concerned in the said rebellion, and who, though unwilling to declare themselves criminal, may wish to avail themselves of the pardon promised, or which may be promised as aforesaid:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall be the duty of the Selectmen of the several towns to which a *venire facias* shall be issued for Jurors, to serve at any Supreme Judicial Court, or any Court of General Sessions of the Peace, or Court of Common Pleas, in this Commonwealth, at any time within one year from the passing this Act, and such Selectmen are hereby required to withdraw from the jury-boxes, the names of all such persons as they judge to have been guilty of favouring the present rebellion, or of giving aid or support thereto, prior to drawing out the names of the Jurors that may be called for by the *venire facias*. Selectmen directed to withdraw from the Jury-boxes, the names of all such persons as they shall judge guilty of favouring the rebellion.

SECT. 2. *Provided nevertheless,* That if such persons, or any of them, shall make application to the town to restore their names to the jury-box, and can obtain a vote of the town, at any town-meeting afterward to be called for that purpose, to have his or their names restored to the box again, the name of such person or persons shall be restored accordingly. Provided.

And whereas by the said Act, for regulating the choice and services of petit Jurors, it is among other things provided, "That the Justices of the respective Courts shall, upon motion from either party in suit, put any Juror upon oath, whether he is sensible of any prejudice in the cause, and if it shall then appear to the Court, that any Juror does not stand indifferent in the cause, he shall be set aside for the trial of that cause, and another called in his stead." And whereas it is necessary for the impartial administration of justice, that effectual measures be taken to prevent

prevent those persons who have been concerned in the present rebellion, from serving as Jurors in trials for treason or misprison of treason :

SECT. 3. *Be it further enacted*, That if within the said term of three years, from the time of passing the Act aforesaid, passed the present session of the General Court, upon the trial of any person before the Supreme Judicial Court, for treason or misprison of treason, the Attorney-General, or person acting in behalf of the Commonwealth, shall suggest to the said Court, that any person called to serve on the Jury of trials, has been guilty of favouring the rebellion now existing, or has in any manner been concerned therein, or given aid or support thereto, if the said Court upon inquiry of the person against whom the objection is made, or upon examination of witnesses, shall judge that there is probable ground for the said suggestion, it shall be the duty of the Court to set aside the person so objected to, as disqualified to serve as a Juror.

[This Act passed February 26, 1787.]

An ACT for repealing in Part a Clause in an Act passed the fifth Day of *March*, one Thousand seven Hundred and eighty-five, entitled, “An Act incorporating the Plantation of *Shapleigh*, in the County of *York*, into a Town by the Name of *Shapleigh*, and for annexing certain Lands to *Lebanon*.”

Preamble.

WHEREAS the proprietors of several tracts or parcels of land adjoining to the towns of *Sandford* and *Lebanon*, have petitioned this Court, that the said several tracts of land, which in and by said Act are annexed to the town of *Sandford*, may be annexed to the towns of *Shapleigh* and *Lebanon*, respectively :

Clause in a former Act repealed.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the clause in the aforesaid Act, annexing all the gores and tracts of land herein mentioned, to *Sandford*, be, and the same clause is hereby repealed, so far as it relates to the several tracts of land aforesaid.

Certain tract of land annexed to Lebanon.

SECT. 2. *And be it further enacted by the authority aforesaid*, That a certain tract of land, containing five hundred acres, which was originally granted by the late province of *Massachusetts-Bay* to *John Wainwright*, Esq. be, and the same hereby is annexed to the town of *Lebanon*, aforesaid.

Several parcels of land annexed to Shapleigh.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the several parcels of land following, viz. two hundred acres of land belonging to *Samuel Andrews*, which he purchased of this Commonwealth; five hundred and ninety acres belonging to *Jonathan Hamilton*, being the same he purchased of the Commonwealth; two hundred acres belonging to *Kendal*; five hundred

hundred acres laid out to *Thomas Baker*, pursuant to a grant from the late province of *Massachusetts-Bay*; two hundred acres laid out by said province to *Daniel Simpson*; one hundred acres granted by the province aforesaid to *John Lydston*; one hundred acres laid out by said province, to *Moses Banks*; four hundred acres laid out to *Joseph Bean*; three hundred and sixty-nine acres, belonging to *William Frost*, jun. being the same the said *Frost* purchased of this Commonwealth, also so much of three hundred acres of land granted to *John Lydston*, as is owned and possessed by the said *William Frost*, jun. which aforesaid several tracts of land are in and by said clause, annexed to *Sandford*, be, and the aforesaid parcels or tracts of land are hereby severally annexed to, and forever hereafter shall be considered as a part of, and as belonging to the said town of *Shapleigh*; any thing in the aforesaid Act to the contrary notwithstanding.

[This Act passed February 27, 1787.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge, where Penny-Ferry has been usually kept, and for supporting the same.

**W**HEREAS the erecting a Bridge over the river, where Penny-Ferry has been usually kept, will be of great public utility, and *Thomas Russell*, Esq. and others, have petitioned this Court, for an Act of incorporation, to empower them to build the said Bridge, and many persons under the expectation of such an Act, have subscribed to a fund for the purpose of erecting and completing the same: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Thomas Russell*, Esq. *Richard Devens*, Esq. *Samuel Swan*, jun. *Jonathan Simpson*, jun. and *William Tudor*, Esq. so long as they shall continue to be proprietors in the said fund, together with all those who are or shall hereafter become proprietors to the said stock or fund, shall be a corporation and body politic, under the name of the proprietors of *Malden Bridge*; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and to suffer; and that the said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure. Proprietors incorporated.  
To own one half of Chelsea Bridge, Act, March 6, 1802.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *Thomas Russell*, Esq. *Richard Devens*, Esq. *Samuel Swan*, jun. *Jonathan Simpson*, jun. and *William Tudor*, Esq. or any three of them, may by advertisement in any two of the news-papers, warn or call a meeting of the said proprietors, to be holden at any suitable time and place, after fifteen days from Proprietors may warn a meeting.

May establish  
rules and regula-  
tions, &c.

Proviso.

the publication of the said advertisement; and the said proprietors, by a vote of the majority of those present or represented at the said meeting (accounting and allowing a vote to each single share in all cases) shall choose a clerk, who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *four pounds*; *provided*, the rules and regulations are not repugnant to the laws or constitution of this Commonwealth; and the said proprietors may also choose and appoint any other officer or officers of the corporation, that they may deem necessary; and all representations at the said meeting shall be proved in writing signed by the person making the same, by special appointment, which shall be filed with or recorded by the clerk; and this Act, and all rules, regulations and votes of said corporation, shall be fairly and truly recorded by said clerk, in a book or books for that purpose provided and kept.

Toll granted  
and established.

Rates of toll.

SECT. 3. *And be it further enacted by the authority aforesaid*, That for the purpose of reimbursing the said proprietors, the money by them expended or to be expended, in building and supporting the said Bridge, a toll be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following: For each foot passenger, *one penny and one third of a penny*: For each person and horse, *four pence*: For each horse and cart, *six pence*: For each team drawn by more than one beast, *nine pence*: For each horse and chaise, *nine pence*: For each coach, chariot, phaeton, and curricule, *eighteen pence*: For each man and wheelbarrow, *two pence two thirds of a penny*: For each horse and neat cattle, exclusive of those in teams or rode on, *two pence*: For each sheep and swine, *two thirds of a penny*, and toll on Lord's days shall be double the above rates; and to each team one person and no more shall be allowed as a driver, to pass free from toll; and at the time when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening of said bridge, for passengers, and shall continue forever; provided, that when fifty years from the first opening said bridge, are expired, the General Court from thence forward, may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed by the said corporation.

Bridge shall be  
well built, &c.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said Bridge shall be well built, at least thirty-two feet wide, of good and suitable materials, with a good draw or passage way,



way, thirty feet wide, through which for vessels to pass both by day and by night, and at a suitable place, with well constructed, substantial piers on each side, and shall be well covered with plank or timber on the top, suitable for such a bridge, and the same shall be built two feet higher, above high water mark, than Charles-River Bridge now is, and shall be kept in good and safe passable repair forever.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said proprietors shall, at the several places where the toll shall be received, erect and constantly expose to open view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters; and the draw shall be lifted for all vessels, without toll or pay, except for boats passing for pleasure.

Sign or board shall be erected with the rates of toll, &c. fairly written.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said proprietors shall neglect or refuse for the space of four years, after the passing of this Act, to build the said bridge, then this Act shall be void, and of none effect.

If the proprietors neglect to build, for four years, this Act shall be void.

[This Act passed March 1, 1787.]

An ACT to empower the Town of *Lebanon*, in the County of *York*, to assess and collect a Tax upon the Lands lying within the same, for Ministerial Charges, that have arisen since *June* the twenty-sixth, One thousand seven hundred and eighty-two, and such as may hereafter arise.

**W**HEREAS the proprietors of the common and undivided lands in the plantation of *Lebanon*, in the county of *York*, in the year one thousand seven hundred and sixty-five, and long before the same was incorporated into a town, contracted with Mr. *Isaac Hasey*, in consideration of his settling in the work of the ministry in said place, to pay him annually, *eighty-six pounds, thirteen shillings and four pence*, for the first eight years; and *seventy-three pounds, six shillings and eight pence* annually, after that time, during his ministry in said township: Which contract on the part of said *Hasey*, has hitherto been fully complied with; and the said *Hasey* yet remains the settled ordained Minister of the church and congregation in said town; and said proprietors have paid and satisfied the annual sums agreed upon with said *Hasey*, until the twenty-sixth day of *June*, one thousand seven hundred and eighty-two; since which time the annual salary due to said *Hasey*, for his ministerial labours in said town, is in arrear and unpaid; and near or quite all the lands are divided and held in severalty, whereby the proprietors of the said common and undivided lands, find themselves utterly unable (agreeably to the laws of the government as they now stand) to comply with their said agreement by assessments thereon:

And

And whereas the inhabitants of the said town of *Lebanon*, have, together with a number of the non-resident proprietors of lands in said town, petitioned this Court, that they the said inhabitants, in their corporate capacity, may be authorized to assess the lands in said town, improved and not improved, for the purpose of raising a sum of money sufficient to pay the said *Isaac Hasey*, the salary that is now due to him, for past services : And also to assess such a sum annually on the said lands, as will pay the said *Hasey* the aforementioned sum of *seventy-three pounds, six shillings and eight pence*, during his ministry in said town, according to the original agreement with the said proprietors :

Affessors au-  
thorized to as-  
sess taxes for  
the ministerial  
salary already  
due.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the Assessors, or the major part of them, for the town of *Lebanon*, in the county of *York*, for the current year, and they are hereby authorized and empowered, and directed, to assess upon the lands, and upon every acre thereof, within the bounds and jurisdiction of the said town, improved or not improved, equally (excepting such lands as are by law exempted from taxation for the support of government) its rateable proportion of *three hundred and thirty pounds*, being the salary due to the said *Hasey*, to the twenty-sixth day of *December*, one thousand seven hundred and eighty-six, together with such sum as shall be necessary for defraying the expense of assessing and collecting the same, not exceeding *four per cent.* ; and the same assessment to deliver to the Constable or Collector of the said town, or such one as shall by them the said Assessors, or the inhabitants of said town, be employed or appointed therefor, with warrants therefor to collect and pay the same into the treasury of the said town of *Lebanon*, one moiety by the first day of *May*, and the other moiety by the first day of *July* next : And the said Assessors shall, in a column of their rate-list, express the number of acres each resident in said town is assessed at ; and also the quantity of acres each non-resident is assessed at, where the proprietor is known ; and in such cases where the owner or proprietor is unknown, the quantity of acres, with some description thereof, shall also be put down in the said rate-list.

-----directed to  
assess taxes for  
such salary, an-  
nually.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Assessors of the town of *Lebanon*, that may be hereafter chosen in *March* or *April* annually, be, and hereby are in like manner, fully authorized, empowered and directed, annually, to assess the lands, improved and unimproved, lying within the bounds and jurisdiction of the said town, equally, upon every acre thereof, (excepting such lands as are or may by law be exempted from taxation for the support of government) its rateable proportion of *seventy-three pounds, six shillings and eight pence*, for said *Hasey's* annual salary, during his ministry in said town,

town, together with the necessary charges and expenses for assessing and collecting the same, not exceeding *eight per cent.*; and the same assent to commit to the Constable or Collector of the said town, for the time being, with warrants for collecting and paying in the same to the Treasurer of the said town, for the time being, or his successor in office, by the last day of *December* annually.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in case the owner of any lands assessed as aforesaid, and living in said town, shall not, within thirty days after notice given by the Collector, to pay the said tax (which notice may be personal or by posting up the same in writing at the usual place of attending public worship in said town, for the space of thirty days) he may sell and dispose of so much of the lands taxed, at public vendue, to the highest bidder, as will raise sufficient money to pay the same and the necessary charges of notifying and selling; public notice of the time and place of sale being made known by posting up the same in some public place or places in said town, fourteen days or more before the sale, in writing: And when no person shall appear to discharge the tax, on non-resident proprietors' lands, the Collector shall publish the several divisions, ranges and numbers, with the sums on them respectively assessed, together with the names of the non-resident proprietors, (if known) three weeks successively in the newspaper of such printer, as shall print the acts and laws of the General Court, or the votes or journals of one of the branches thereof: And if no person shall appear in one month next after the first publication of such tax, in the said paper, to pay the said taxes, with charges of notifying; the said Collector may proceed to make sale of so much of such non-resident proprietors' right, share, lot or lots, as shall be sufficient to discharge the said taxes, and all intervening charges, to the highest bidder, at public auction: Notice likewise having been given of the time and place of sale, by notifications thereof in writing being posted up, in some public place or places in the said town, fourteen days or more beforehand; and the Constable shall in all cases of vendue, in consequence of this Act, wait one hour after the appointed time for sale, that sufficient time may be had for bidders to attend; and he shall also have power to adjourn the sale from day to day, if necessary to complete the sale, not exceeding three days (waiting as aforesaid) and shall give and execute a deed to the purchaser or purchasers, expressing therein the cause of such sale, and saving to the proprietor or proprietors the right of redemption of any lands so sold, at any time within one year from the time of such sale; and the same shall be reconveyed to him or them, on paying within one year as aforesaid the sum such land sold for, and *fifteen per cent.* added to the said sum, if the proprietor was a resident at the time of sale

In case the owner of any land shall not pay the tax assessed, within 30 days after notice given, the Collector may sell so much as will discharge the same.

Directions respecting non-resident proprietors.

in the town, and *twelve per cent.* to such as are non-residents, together with the necessary charges thereon. And the Town-Treasurer of *Lebanon* for the time being is hereby authorized and empowered to enforce the payment of the said tax from the Constables or Collectors, in the same way and manner he is or may by law be authorized to enforce the payment of other town taxes.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the lands, improved or not improved, lying within the bounds and jurisdiction of the town of *Lebanon*, (excepting such as are or may be by law exempted from taxation for the support of government) shall be and hereby are charged with the payment of the taxes that may be made in consequence of this Act.

Proviso.

SECT. 5. *Provided always,* That it shall be in the power of the inhabitants of the said town of *Lebanon*, in town-meeting legally assembled, to direct their Assessors to place such part of the said annual salary on the polls and estates within their town, if they think proper, not exceeding the proportion of other town taxes.

And whereas the power of complying with the agreement made with the said *Hafey*, by the proprietors, respecting the payment of his salary, will by this Act be completely transferred to the inhabitants of the said town of *Lebanon*, which agreement was originally entered into by said proprietors, for the use and benefit of the inhabitants, during their inability to make or comply with such a contract; it is therefore reasonable that they on their part should be hereafter subjected to the fulfilment and compliance with the said contract :

SECT. 6. *Be it therefore further enacted by the authority aforesaid,* That the contract and agreement of the proprietors of *Lebanon*, made with said *Hafey*, so far as it relates to the payment of his salary, as before recited, already due, and such as may hereafter become due, during the time Mr. *Hafey* shall continue in the ministry in said town, shall be and hereby is transferred from the said proprietors, to the inhabitants of the said town of *Lebanon*, in as full and ample a manner, as if the said inhabitants had in their corporate capacity originally made and entered into the said agreement.

[This Act passed March 1, 1787]

An ACT for setting off that Part of the home Farm of *William Whitney*, which lays in the Town of *Gardner*, to the town of *Winchendon*.

Preamble.

WHEREAS the whole of the home farm of *William Whitney* was reserved to the town of *Winchendon*, when the said town of *Winchendon* voted, that the southeasterly part thereof might be annexed to the town of *Gardner* :

Be

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the home farm of William Whitney, which lies in the town of Gardner, viz. Lot number thirty-seven, part of lots number thirty-eight, forty and sixty, be, and hereby are set off from the town of Gardner, and annexed to the town of Winchendon, and shall hereafter be considered as belonging to the said town of Winchendon; any law to the contrary not withstanding.* Part set off.

[This Act passed March 2, 1787.]

### An ACT for naturalizing William Martin and others.

**W**HEREAS William Martin and Elizabeth Martin, Preamble.  
*William Moch, and John Amory, now residing in Boston, in the county of Suffolk, also David Smith and Elizabeth his wife, and their children, viz. Moses, Ruth, Mercy, Lendall, David, Elizabeth, Hannah, Dorothy, and Godfrey, William Melton, William Haggett, and John Nicholas Rudberg, and Anne his wife, now residing in Portland, in the county of Cumberland, and Thomas Craige, of Billerica, in the county of Middlesex, have severally petitioned to the General Court that they may be naturalized, and be thereby entitled to all the rights and privileges of free citizens of this Commonwealth:*

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforementioned William Martin and Elizabeth his wife, William Moch, John Amory, David Smith and Elizabeth his wife, and their children, viz. Moses, Ruth, Mercy, Lendall, David, Elizabeth, Hannah, Dorothy, and Godfrey, William Melton, William Haggett, Thomas Craige, and John Nicholas Rudberg, first taking the oath of allegiance to this Commonwealth, before two Justices of the Peace, quorum unus, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.* William Martin and others naturalized.

SECT. 2. *And be it further enacted, That the Justices before whom the persons aforementioned may respectively take the oath aforesaid, shall return a certificate thereof into the Secretary's office, to be entered on the records of this Commonwealth.*

[This Act passed March 2, 1787.]

### An ACT for incorporating the Plantation called Limerick, in the County of York, into a Town by the Name of Limerick.

**W**HEREAS the inhabitants of the said plantation have Preamble.  
 represented, and it appears to this Court that they labour under many and great inconveniencies, by reason of their unincorporated state:

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation aforesaid, bounded as follows, *viz.* Beginning at a place called the Riplings, on *Little Ossipee River*; thence running north-northwest, five miles, one hundred and seventy-seven poles; thence west-southwest, three miles and one hundred poles, to *Parsonfield* line; thence on said line one mile, one hundred and twenty poles, to a tree marked on four sides, which is the east corner of said *Parsonfield*; thence south by west, two miles and forty poles, on the line between said *Limerick* and a plantation called *Washington*, to said *Little Ossipee River*; thence running down the middle of said river, to the first mentioned bounds, containing about thirteen thousand acres, be, and hereby is erected into a town by the name of *Limerick*; and that the inhabitants thereof be, and they hereby are vested with all the powers, privileges and immunities which the inhabitants of towns within this Commonwealth do or may by law enjoy.

Boundaries.  
Invested with powers, &c.

SECT. 2. *And be it further enacted,* That *Jeremiah Hill, Esq.* be, and he hereby is empowered, to issue his warrant, to some principal inhabitant of the said town, requiring him to notify and warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the months of *March* or *April*, annually.

Jeremiah Hill, Esq. to call a meeting.  
Proviso.

SECT. 3. *Provided always,* That this Act shall be so construed, as not to affect the claim of this Commonwealth, or any corporate body or private person whatever, to the said plantation, or any part thereof, if any such claim exists.

[This Act passed *March 6, 1787.*]

An ACT for incorporating a Plantation in the County of *York*, called *Massabesec*, by the Name of *Waterborough*.

Preamble.

WHEREAS the inhabitants of a plantation in the county of *York*, called *Massabesec*, labour under many inconveniencies for want of being incorporated, and have petitioned this Court to be incorporated into a town:

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said plantation, with the inhabitants thereof, bounded as follows, *viz.* Beginning at the northerly corner of *Coxhall*; thence running north eleven degrees and an half west, five miles and three quarters of a mile, to the river called *Little Ossipee*; thence westerly by the same river to the northeast corner of *Shapleigh*; thence southerly by *Shapleigh* and *Sanford*, to the westerly corner of *Coxhall* aforesaid, then northeasterly by said *Coxhall*,

*Coxhall*, to the bounds first mentioned, be and hereby is incorporated into a town by the name of *Waterborough*, and invested with all the powers, privileges and immunities, which other towns in this Commonwealth are entitled to by law.

SECT. 2. *Provided*, That nothing in this Act shall be so construed, as to affect the right of soil, to any lands within the limits aforesaid. Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That *Nathaniel Wells*, Esq. be, and he hereby is empowered to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants of said town, qualified according to law to vote in town affairs, to assemble at such time and place within the same town, as shall be appointed by such warrant, to choose all such officers as other towns within this Commonwealth are empowered to choose, in the month of *March* or *April* annually; and the said inhabitants so assembled are hereby empowered to choose such officers accordingly. Nathaniel Wells, Esq. to call a meeting.

[This Act passed *March 6, 1787.*]

An ACT for altering a Part of the Boundary Line, between the Towns of *Boston* and *Roxbury*, and for ratifying an Agreement made between the said Towns for that Purpose.

WHEREAS that part of the boundary line between the towns of *Boston* and *Roxbury*, which crosseth *Lamb's Meadow* (so called) is nearly obliterated, and the Selectmen of the said towns have petitioned this Court, that a new direct line may be established in lieu thereof, agreeably to a plan mutually agreed on by the said towns; and it appearing reasonable that the said agreement should be ratified and confirmed: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the agreement entered into between the towns of *Boston* and *Roxbury*, for altering that part of the boundary line between the said towns, which crosseth *Lamb's Meadow* (so called) be, and the same is hereby ratified and confirmed. Agreement ratified and confirmed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That a line in lieu of the aforesaid obliterated boundary line, shall in all future perambulations thereof, be run in the following manner, that is to say—By a straight line in the same direction with the present line from the road leading from *Boston* to *Roxbury*, from the most easterly boundary marked stone in the said *Lamb's Meadow*, one chain and forty-one links; thence turning and running north fifty-eight degrees east, by a straight line across the said meadow, until it strikes the ancient boundary mark in *Lamb's Dam* (so called.) Boundary line.

[This Act passed *April 30, 1787.*]

An ACT for naturalizing *Edward Wyer*, and others therein named.

Preamble.

**W**HEREAS *Edward Wyer*, *David Greene*, and *Thomas English*, have petitioned the General Court, that they and their families may be naturalized, and be thereby entitled to all the rights and privileges of free citizens of this Commonwealth :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the afore-named *Edward Wyer*, and *Alice* his wife, *Edward Wyer*, jun. and *William Wyer*, his children ; *David Greene*, and *Rebecca* his wife, *John Rose Greene*, *David Ireland Greene*, *Charles Winstone Greene*, and *Rebecca Greene*, his children ; and *Thomas English* ; they the said *Edward Wyer*, *David Greene*, and *Thomas English*, first taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken, to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

Edward Wyer,  
and others, nat-  
uralized.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Justices, before whom the persons afore-named may respectively take the oath aforesaid, shall return a certificate of the same into the Secretary's office, to be entered on the records of this Commonwealth.

Certificate of  
oaths, to be re-  
turned.

[This Act passed May 1, 1787.]

Additional Act,  
Feb. 22, 1792. An ACT to divide the Town of *Greenwich* into two Parishes ; and for including the North-East Corner of the Town of *Belchertown*, in the South Parish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That that part of the town of *Belchertown* contained within the following boundaries, *viz.* Beginning at the north-east corner of *Belchertown* ; thence running west upon the line between *Pelham* and *Belchertown*, to the west line of lot number forty-seven ; thence southerly to *Pemberton's* line, including four tier of lots ; thence west to the west line of lot number seventeen ; thence southerly on the said line to lot number thirty ; thence south on the said line to lot number thirty-six ; thence west to the north-west corner of lot number thirty-six ; thence south on the west line of the said lot, so as to include the whole of Lieutenant *Calvin Kingsley's* farm ; thence easterly to *Greenwich* line, together with the whole of the south part of the said *Greenwich*, beginning at the aforesaid north-east corner of the town of *Belchertown*, running easterly upon the line between the towns of *Greenwich* and *Pelham*, to the south-east

Boundaries of  
the south parish.



south-east corner of *Pelham*; thence so far south upon *Greenwich* old line, so called, as to leave the meeting-house and church yard in the north parish; thence east to *Hardwick* line, be, and the same hereby is formed into a separate parish, and shall be called and known by the name of the south parish of the town of *Greenwich*.

SECT. 2. *And be it further enacted*, That all the inhabitants within the limits and boundaries aforesaid, shall be considered as belonging to the said parish, and they are hereby invested with all powers, rights, privileges and immunities, which other parishes in this Commonwealth are invested with. Inhabitants invested with powers.

SECT. 3. *Provided nevertheless*, That any person living within the said south parish, who has not petitioned for the aforesaid division, shall, within one year from the first day of *July* next, return his or her name to the Secretary's office, certifying his or her desire of belonging to the north parish, may and shall be considered as belonging to the north parish, and his or her estate and person shall be liable to pay and perform parochial taxes and duties accordingly. Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That *Caleb Clark*, Esq. be, and he hereby is empowered to issue his warrant to some principal inhabitant of the said parish, requiring him to notify and warn the inhabitants thereof to meet at such time and place as by the said warrant shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of the said parish; and the inhabitants qualified by law to vote, being so assembled, shall be and hereby are empowered to choose such officers accordingly. Caleb Clark, Esq. to call a meeting.

[This Act passed June 21, 1787.]

An ACT to empower the second Parish in *Scarboro'*, in the County of *Cumberland*, to exchange the Parsonage Lands belonging to the said second Parish for twenty Acres of Marsh lying within the said Town.

**W**HEREAS the second parish in the town of *Scarboro'* did, by a vote at their meeting on the twenty-sixth day of *March* last, agree to exchange the parsonage land mentioned in the said vote, being twenty-nine acres of land lying on the west side of the town road leading from broad-turn road to the town of *Gorkam*, with *Richard Libby*, for twenty acres of marsh lying near *Scottoa-Hill*, in the said town, adjoining to *James Foss's* marsh. And whereas the said second parish, by their committee, have requested the General Court, that an Act may be passed to empower them accordingly: Preamble.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said second parish, by such committee as they have or may appoint, Second parish empowered.

appoint, be, and hereby are empowered to execute a deed of twenty-nine acres of parsonage land to the said *Richard Libby*, and to receive a deed from the said *Richard Libby*, in exchange therefor, of the aforesaid twenty acres of marsh, in behalf of the said second parish, for the use of the Minister of the said parish and his successors forever.

[This Act passed July 2, 1787.]

### An ACT for naturalizing *John Gore*, Esq.

**W**HEREAS *John Gore*, Esq. resident in *Boston*, in the Commonwealth of *Massachusetts*, has petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth; and it appearing reasonable that the prayer of the petition should be granted:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *John Gore*, upon his taking the oath of allegiance and abjuration, required by the constitution of this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if the said *John Gore* had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

SECT. 2. *And be it further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office; and the Secretary is hereby directed to record the same.

[This Act passed July 2, 1787.]

### An ACT for incorporating the westerly Part of the Town of *Dartmouth*, in the County of *Bristol*, into a separate Town by the Name of *Westport*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described, to wit, Beginning at the south-east corner of *Job Almy's* homestead farm by the sea-shore; thence northerly, as the highway is laid out from the said sea-shore, up to *Freetown* line, (for particular boundaries of the said highway, reference to be had to the return thereof, as laid out by the Selectmen of the town of the said *Dartmouth*, in the years one thousand seven hundred and seventeen, and one thousand seven hundred and eighteen, and recorded in the town book of records;) thence westerly, as the line is between *Freetown* and *Dartmouth*, until it comes to the north-west

Boundaries.

Certain inhabitants of *Dartmouth*, with their estates, annexed to *Westport*, by Act, February 28, 1795.

north-west corner bound of the said *Dartmouth* ; thence south-  
 erly, as the dividing line is between *Dartmouth* and the State  
 of *Rhode-Island*, until it comes to the sea-shore ; thence east-  
 erly, including all the necks and islands of land heretofore  
 known to be a part of *Accoakset* village, until it comes to the  
 first mentioned bound, with the inhabitants dwelling on the  
 lands above described, be, and they are hereby incorporated  
 into a town by the name of *Westport* ; and the said town is  
 hereby invested with all the powers, privileges and immunities,  
 to which towns within this Commonwealth are or may be en-  
 titled, agreeable to the constitution and laws of the said Com-  
 monwealth.

Incorporated  
 and invested  
 with powers.

SECT. 2. *Provided nevertheless, and be it further enacted*, That  
 any of the inhabitants now dwelling on the above described  
 lands, who have not signed in favour of a division, and who are  
 or may be still desirous of belonging to the town of *Dartmouth*,  
 shall, at any time within two years from the passing this Act, by  
 returning their names into the Secretary's office, and signifying  
 their desire of belonging to the said *Dartmouth*, have that priv-  
 ilege ; and shall, with their polls and estates, belong to and be  
 a part of the said *Dartmouth* ; they paying their proportion of  
 all taxes, which shall have been laid on the said village of  
*Accoakset* or town of *Westport*, previously to their thus returning  
 their names, as they would by law have been holden to pay  
 had they continued and been a part of the town of *Westport*.

Provido.

SECT. 3. *Be it further enacted by the authority aforesaid*, That  
 the inhabitants of the said town of *Westport* shall pay all the  
 arrears of taxes, which have been assessed upon them, and their  
 proportionable part of what remains unpaid of the beef tax, so  
 called, together with their proportion of all debts, that are now  
 due from the said town of *Dartmouth*, and shall support their  
 own poor ; and also any person or persons, who have hereto-  
 fore been inhabitants of that part of *Dartmouth*, which is now  
*Westport*, and may hereafter be returned as paupers to the town  
 of *Dartmouth*, the Selectmen, or Overseers of the poor of the  
 said town of *Dartmouth* for the time being, when any such  
 pauper or paupers may be returned as aforesaid, who were  
 originally inhabitants of that part of *Dartmouth*, which is now  
*Westport*, be, and hereby are empowered to convey him, her  
 or them, to the Overseers of the poor for the said town of  
*Westport*, who are hereby directed to receive and support the  
 same.

Inhabitants  
 shall pay all ar-  
 rears of taxes,  
 &c.

SECT. 4. *And be it further enacted by the authority aforesaid*,  
 That the public lands, and the buildings standing thereon ; also  
 the town's stock of powder, and other town property of all  
 kinds, shall be estimated and divided in the same proportion  
 that each village paid in the last State tax, by a committee to  
 be appointed for that purpose, as soon as conveniently may be,  
 and divided.

Public lands,  
 and town's  
 stock of pow-  
 der, &c. shall  
 be estimated  
 and divided.

by

by the town of *Westport*, to join the committees that are chosen for the same purpose, between *New-Redford* and *Dartmouth*; and the said town of *Westport* to receive a proportionable part according to the said State tax, of what sum is found due from *New-Redford* to *Dartmouth*.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the road which is the dividing line between *Westport* and *Dartmouth*, shall be kept in repair, at the charge of each of the said towns, in such proportions as each paid in the last State tax.

SECT. 6. *And be it enacted by the authority aforesaid,* That *Benj. Russell, Benjamin Russell, Esq.* be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Westport*, to assemble and meet at some suitable place in the said town, as soon as conveniently may be, to choose all such town officers, as towns are required to choose, at their annual town meetings in the month of *March* or *April* annually.

[This Act passed July 2, 1787.]

An ACT to prevent the destruction, and to regulate the catching of the Fish called Alewives, in their Passage up the Rivers and Streams in the Town of *Harwich*, in the County of *Barnstable*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of *Harwich* shall be and hereby are empowered and directed, at their meeting for the choice of town officers in *March* or *April* annually, to choose three or more persons, being freeholders in the said town, to see that this Act be duly observed; and each person so chosen shall be sworn faithfully to discharge the duties required of him by this Act; and the said committee shall meet together annually, on or before the twentieth day of *April*, at such time and place as they, or a majority of them, shall appoint, and the major part of the committee present at such meeting, are hereby authorized and empowered to order the times, places and manner in which the said fish may be taken; and the said committee or the major part of them, are hereby fully authorized and empowered to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, to remove any such as may be found therein, and to make the said passage ways wider or deeper if they shall judge it necessary; and the said committee or either of them, paying a reasonable consideration therefor, if demanded, shall have authority for those purposes to go on the land or meadow of any person through which said streams run, without being considered as trespassers; and any person who shall molest or hinder the said committee



accordingly, unless such person or persons can make it appear, on trial, that they came by the said fish in some other way.

Committee to determine on what days fish may be taken, &c.

SECT. 5. *And be it further enacted*, That the committee to be chosen as aforesaid, or the major part of them, shall determine what days in the week the said fish shall be taken, and also on the certain parts of the said rivers and streams where the fish may be taken, to be particularly bounded or described, so that the said places may be easily known; and shall notify the inhabitants thereof, by posting up notifications in several public places in the said town of *Harwich*, within ten days after their being chosen as aforesaid.

Penalties, how recovered and applied.

SECT. 6. *And be it further enacted*, That all the penalties incurred by any breach of this Act, shall be recovered by complaint before a Justice of the Peace, in the county of *Barnstable*, where the said penalty doth not exceed *forty shillings*, allowing an appeal to the Court of General Sessions of the Peace in the county aforesaid; and where the penalty prosecuted for shall exceed the sum of *forty shillings*, it may be sued for and recovered in any court in the county of *Barnstable* proper to try the same; and all sums recovered as forfeited by this Act, shall be for the support of the poor in the town of *Harwich*; and no person, by reason of his being one of the said committee, or an inhabitant of the said town, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

Passage ways to be kept open annually.

SECT. 7. *And be it further enacted*, That it shall be the duty of the committee aforesaid, to take care that a sufficient passage-way be kept open annually for the young alewives to pass from the ponds to the sea.

[This Act passed July 4, 1787.]

An ACT for setting off *John Dexter*, and others therein named, with their Estates, from the North-Parish in *Malden*, and annexing them to the South-Parish in the said Town.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Dexter*, *Samuel Sprague*, *Wymond Bradbury*, *Bernard Green*, *Jonathan Howard*, *David Tufts*, *Phineas Sprague*, *Joseph Barret*, jun. *Phineas Sprague*, jun. *Jonas Green*, *Stephen Payne*, *Benjamin Buckman*, *Nathan Wait*, *Edward Wade*, *John Dexter*, jun. *Richard Dexter* and *Jabez Wait*, with their families, polls and estates, lying in the town of *Malden*, and belonging to the north parish in the said town, be, and are hereby set off from the said north parish, and annexed to the south parish in the said *Malden*, there to enjoy parish privileges and to pay parish charges that may arise within the same.

[This Act passed July 5, 1787.]

An

An ACT for changing the Name of *Thomas Greaves Russell*, to *Thomas Russell Greaves*.

**W**HEREAS *Thomas Greaves Russell*, of *Boston*, in the county of *Suffolk*, Gentleman, being the lineal descendant of the Honourable *Thomas Greaves*, late of *Charlestown*, Esq. deceased, and being desirous from respect to his memory to be called by his surname :

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, the said Thomas Greaves Russell shall be allowed to take the name of Thomas Russell Greaves, and by that name, instead of his present christian and surname, to be called and known, and that to all legal purposes, the said name of Thomas Russell Greaves shall be considered as his own, proper and only name, and avail accordingly.*

[This Act passed July 6, 1787.]

An ACT in Addition to an Act, entitled, “An Act for erecting the northerly Part of the Town of *Shutesbury*, and that Part of a Tract of Land called *Ervingshire*, which lies on the south Side of *Miller’s-River*, into a separate Town by the Name of *Wendell*.”

**W**HEREAS in and by the said Act for incorporating the Preamble, said town of *Wendell*, it is enacted, “That the inhabitants of the said town of *Wendell* shall pay their proportion of all State, county and town charges, already granted to be raised in the town of *Shutesbury*; and also their proportion of the pay of the Representative for the present year,” but no provision is made in the said incorporating Act, to oblige the said town of *Wendell*, to pay their proportion of the debts due from the said town of *Shutesbury*, which were contracted previous to the passing the said Act of incorporation. And whereas there is no provision in the said incorporating Act, authorizing the said town of *Shutesbury* to assess and collect the sums which are due from the said town of *Shutesbury*, which accrued as aforesaid :

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Assessors and Collectors of the said town of Shutesbury, be, and they are hereby respectively authorized and empowered, to assess on, and to collect from the rateable inhabitants and estates of that part of the town of Wendell, which were, previous to their being incorporated, a part of the said town of Shutesbury, their full proportion of all such sum or sums of money as were due from the said town of Shutesbury, previous to the passing the aforesaid Act of incorporation; and also their proportional part*

Inhabitants of  
Wendell to pay  
their proportion  
of debts  
due from the  
town of Shutes-  
bury, &c.

of all costs and charges, which have arisen or may accrue in consequence of the said debts; the said Assessors and Collectors observing the rules prescribed by law for the assessing and collecting of taxes.

[This Act passed *July 6, 1787.*]

An ACT in Addition to an Act, entitled, "An Act declaring and confirming the Citizenship of *John Gardiner*, Esq. Barrister at Law, *Margaret Gardiner* his Wife, *Ann Gardiner*, *John Sylvester John Gardiner*, and *William Gardiner*, their Children," passed in the Year of our Lord, One thousand seven hundred and eighty-four.

Preamble.

**W**HEREAS it appears by some misprision, that the name of the said *Ann Gardiner* was not inserted in the enacting part of the said Act:

Enacting  
clause.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Ann Gardiner is hereby declared to be a free citizen of the said Commonwealth of Massachusetts, and is entitled to all the privileges and benefits of the said Act, as fully to all intents and purposes, as if the name of the said Ann Gardiner, had been inserted in the enacting part of the same.*

[This Act passed *October 25, 1787.*]

An ACT for naturalizing *Bartholomy de Gregoire*, *Maria Theresa de Gregoire*, his Wife, and their Children.

Preamble.

**W**HEREAS *Bartholomy de Gregoire*, and *Maria Theresa* his wife, have presented a petition to this Court for an Act of naturalization of themselves and of their children; and it appears reasonable that the prayer of their petition should be granted:

Enacting  
clause.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Bartholomy de Gregoire, and Maria Theresa de Gregoire his wife, be permitted to take and subscribe the oath of allegiance to this Commonwealth, before two Justices of the Peace, quorum unus, of any county within the same, and thereupon and thereafter they and each of them, together with their children, viz. Pierre de Gregoire, Nicholas de Gregoire, and Maria de Gregoire, shall be deemed, adjudged and taken to be citizens of this Commonwealth, and entitled to all the liberties, rights and privileges of natural born citizens.*

SECT. 2. *And be it further enacted by the authority aforesaid, That the Justices before whom the said Bartholomy de Gregoire, and Maria Theresa de Gregoire, his wife, may take and subscribe the*



the oath aforesaid, shall make return thereof to the Secretary of this Commonwealth, who shall record the same in the book ordered to be kept for such purpose.

[This Act passed *October 29, 1787.*]

An ACT for incorporating a number of the Inhabitants of the Town of *Worcester*, in the County of *Worcester*, into a separate Parish.

**W**HEREAS a number of the inhabitants of the town of *Preamble.*  
*Worcester*, belonging to the religious society, whereof the Reverend *Aaron Bancroft* is pastor, have petitioned this Court to be incorporated, for the reasons expressed in their petition, and it appearing to this Court reasonable that the prayer be granted :

SECT. 1. *Be it therefore enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That Levi Lincoln, Timothy Paine, David Bigelow, Joseph Allen, Palmer Goulding, Benjamin Flagg, John Peirce, John Stowers, John Barnard, Jedediah Healy, William Treadwell, Abel Stowell, Phineas Heywood, Eli Chapin, Cornelius Stowell, Thaddeus McCarty, Samuel Chandler, Abraham Lincoln, Samuel Flagg, Ephraim Mower, John Stanton, Timothy Bigelow, Clark Chandler, John Smith, Samuel Allen, Ignatius Goulding, Daniel Goulding, Edward Bangs, Samuel Bridge, John Goodwin, Jacob Snow, Samuel Brazer, Nathan Heard, Nathaniel Paine, David Bigelow, Nahum Willard, Joel How, Oliver Peirce, Josiah Peirce, Isaiah Thomas, Samuel Fullerton, John Walker, David Chadwick, Ellis Gray Blake, Micah Johnson, Benjamin Andrews, Lemuel Rice, Charles Chandler, Andrew Tufts, Daniel Clap, Benjamin Green, Joseph Torry, William Gates, Samuel Warden, Winthrop Chandler, William Johnson, William Jennison, Anthony Paine, John Paine, Elias Mann, Peter Stowell, Thomas Stowell, Benjamin Butman, the petitioners, and members of the said religious society, together with their polls and estates, be, and hereby are incorporated into a parish by the name of the Second Parish in the town of Worcester, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law.* Incorporated and invested with powers.

SECT. 2. *Be it enacted by the authority aforesaid, That any of the inhabitants of the said town, shall at all times hereafter have full liberty to join themselves with their families to either of the parishes in the said town: Provided they shall signify in writing under their hands to the clerk of the said town, their determination of being considered as belonging to the parish to which they may join themselves as aforesaid.* Inhabitants at liberty to join either parish. *Provido.*

SECT. 3. *And be it further enacted by the authority aforesaid, That the members of each respective parish, and their families, shall be deemed and considered as continuing members of their respective*

respective parishes, with their estates, for the time being, until they shall signify their determination to the contrary, as above expressed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *Levi Lincoln*, Esq. be, and hereby is authorized to issue his warrant, directed to some principal member of the said parish, requiring him to warn the members of the said parish, qualified to vote in parish affairs, to assemble at some suitable time and place in the said town, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in the said parish.

[This Act passed November 13, 1787.]

### An ACT to annex a Gore of Land to the Town of *Long-Meadow*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the gore of land lying at the south-easterly part of the town of *Long-Meadow*, and adjoining the said town, called the Gore, containing about four hundred acres, the said land being and lying north of what is called the Colony-line, and not included in any town, together with the inhabitants thereof, be, and hereby is annexed to the town of *Long-Meadow*; and the said inhabitants shall there do duty, and receive privileges, equal to the other inhabitants of the said town.

[This Act passed November 16, 1787.]

### An ACT to unite the first and second Precincts in the Town of *Leominster*, in the County of *Worcester*, into one Parish.

Preamble.

**W**HEREAS it appears to the General Court, from the representations of the inhabitants of the said precincts, that it will be more convenient, and for the interest of the said town, that the first and second precincts in the said town should be united into one parish:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the first and second precincts in the said town of *Leominster* be united into one parish, and all parish lines in the said town of *Leominster* are hereby declared void; any law, resolution or order to the contrary notwithstanding.

First and second parish united.

Provido.

SECT. 2. *Provided nevertheless,* That the inhabitants and estates of the said precincts, respectively, be held to pay all parish taxes, already assessed on them, and all parish debts due from them, in their separate capacities, in the same manner that they would have been held if this Act had not passed.

[This Act passed November 16, 1787.]

An

An ACT for naturalizing *Alexander Moore*, and others  
herein named.

**W**HEREAS *Alexander Moore, Isaac Smith, John Deverell,* Preamble.  
*John Gregory, David Poignand, and Delicia his wife,*  
and *Abraham Bazin*, now residents in *Boston*, and *Benjamin Pick-*  
*man*, now resident in *Salem*, *Henry Smith* with *Elizabeth* his wife,  
in behalf of themselves and their children, also *Kirk Boott*, and  
*William Pratt*, now resident in *Boston*, have petitioned the  
General Court, that they may be naturalized, and it appearing  
reasonable that the prayer of the petitioners should be granted :

SECT. 1. *Be it therefore enacted by the Senate and House of*  
*Representatives, in General Court assembled, and by the authority of*  
*the same,* That *Alexander Moore*, merchant, *Isaac Smith*, clerk, Alex. Moore  
*John Deverell*, silversmith, *John Gregory*, merchant, *David* and others nat-  
*Poignand*, merchant, and *Delicia Poignand*, his wife, *Abraham*  
*Bazin*, merchant, *Henry Smith*, merchant, with *Elizabeth Smith*,  
his wife, *Henry Lloyd Smith, Elizabeth, Catherina, Rebecca* and  
*Anna Smith*, children of the said *Henry*, now resident in *Boston*,  
*Benjamin Pickman*, Esq. now resident in *Salem*, in the Com-  
monwealth of *Massachusetts*, *William Pratt* and *Kirk Boott*, both  
of *London*, in the Kingdom of *Great-Britain*, merchants, now  
residing in the said *Boston*, *Mary Boott*, the wife of the said  
*Kirk Boott*, and *Frances* the daughter of the said *Boott*, upon  
their respectively taking the oath of allegiance to this Common-  
wealth, before two Justices of the Peace, *quorum unus*, (they  
being of age, or when they shall come to be of age) shall be  
deemed, adjudged and taken to be free citizens of this Com-  
monwealth, and entitled to all the privileges, liberties and  
immunities of natural born subjects.

SECT. 2. *And be it further enacted,* That the Justices before  
whom the persons aforementioned may respectively take the oath  
aforesaid, shall return a certificate thereof into the Secretary's  
office, to be recorded in a book ordered to be kept for that  
purpose.

[This Act passed November 16, 1787.]

An ACT to enable *Jeduthun Richardson* to turn the  
Water in *Richardson's River* (so called) in *Woburn*,  
in the County of *Middlesex*.

**W**HEREAS *Jeduthun Richardson*, of *Woburn*, has petition- Preamble.  
ed the General Court for leave to turn the water which  
runs in *Richardson's River* (so called) in the town of *Woburn*,  
out of the natural channel, for the purpose of carrying it to a  
corn-mill, which he is about to move from the place where it  
now stands, and build in a place more convenient for public use ;  
and whereas *Jonathen Richardson*, and *Rebecca Richardson*, the  
only

only proprietors, of lands adjoining to the said river where the waters thereof are proposed to be turned, (other than the lands owned by the said *Jeduthun*) have by writing under their hands and seals certified their consent to turning the said water agreeably to the prayer of the said petition; and this Court being satisfied as to the utility thereof:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Jeduthun Richardson, be, and he hereby is permitted and empowered to turn the waters of the said river out of the natural channel, by cutting a canal through his own land, which lays eastward of the said Jonathan Richardson's land, thence south-westerly by the northwardly side of the said Jonathan Richardson's and the said Rebecca Richardson's land, crossing the road or highway, about twenty poles north-eastwardly from the said Jeduthun's corn-mill, where it now stands, so on, through the said Jeduthun's own land, to the place where he proposes to build the said corn-mill, and from thence by the most direct course into the natural channel of the said river, agreeably to a plan exhibited with the said petition, taken by Samuel Thompson, surveyor, dated October, 1787; and to use and improve the said waters forever, in the same manner as though the original channel had run in the same place where the said canal is proposed to be cut, without being liable to any prosecution for trespass or damage, for turning the said waters or using the same as aforesaid; any law to the contrary notwithstanding.*

**Proviso.**

SECT. 2. *Provided nevertheless, and be it further enacted, That the said canal shall be so constructed as to supply the said natural channel with water at all times, sufficient for the purpose of watering cattle.*

[This Act passed November 16, 1787.]

**Additional Act,**  
June 29, 1798.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over the River between Salem and Beverly, and for supporting the same.

**Preamble.**

WHEREAS the erecting a bridge over the river between Salem and Beverly, from the ferry-ways on Salem side to some place on Beverly side, between the extremes of *Green's-Point*, and *Ellinwood's-Wharf*, (so called) will be of great public utility, and very beneficial to the county of *Essex*, in particular; and *George Cabot*, Esq. and others, have petitioned this Court for an Act of incorporation, to empower them to build the said bridge, and many persons, under the expectation of such an Act, have subscribed to a fund for the purpose of erecting and completing the same:

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *George Cabot, Esq. John Cabot, John Fisk, Israel Thorndike, and Joseph White,* be, and hereby are constituted a corporation for building a bridge as aforesaid, so long as they shall continue to be proprietors, in the fund to be raised for that purpose, together with all those who are, or shall hereafter become proprietors to the said fund, shall be a corporation and body politic, under the name of the Proprietors of *Essex Bridge*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and to do and suffer all other matters and things, which bodies politic may or ought to do and suffer, and that the said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

Proprietors incorporated as a body politic.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *George Cabot, Esq. John Cabot, John Fisk, Israel Thorndike, and Joseph White,* or any three of them, may by advertisement, in any two of the news-papers, call a meeting of the said proprietors, to be holden at any suitable time and place, after fifteen days from the publication of the said advertisement, and the said proprietors, by a vote of the majority of those present, or represented at the said meeting (accounting and allowing a vote to each single share in all cases) shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *four pounds*; provided the rules and regulations are not repugnant to the laws or constitution of this Commonwealth: And the said proprietors may also choose and appoint any other officer or officers of the corporation, that they may deem necessary; and all representations at the said meeting shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with, or recorded by the Clerk; and this Act, and all rules, regulations and votes of the said corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose provided and kept.

Proprietors may call a meeting.

may make and establish rules and regulations.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said proprietors the monies by them expended, or to be expended in building and supporting the said bridge, a *toll* be, and is hereby granted and established for the sole benefit of the said proprietors, according

Toll granted.

to

Rates of toll. to the rates following, *to wit*, For each foot passenger, *one fiftieth part of a dollar* : For each person and horse, *one twentieth part of a dollar* : For each horse and chaise, for each fulkey, or for each sley, drawn by one or more horses, *one eighth of a dollar* : For each coach, chariot, waggon or curricule, *one fourth of a dollar* : For each cart, waggon, sled or sley, or other carriage of burden, drawn by one or more beasts, *one tenth of a dollar* : For each wheel-barrow, hand-cart, or other vehicle, capable of carrying a like weight, with one person, *three hundredths of a dollar* : For neat cattle, and horses, exclusive of those rode, or in carriages, *three hundredths of a dollar* each : For sheep and swine, at the rate of *one twelfth of a dollar* for each dozen. And toll on Lord's days shall be double the above rates ; and to each team one person and no more, shall be allowed as a driver, to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for and during the term of seventy years, at the end of which time the said bridge shall be delivered up in good repair, to and for the use of this government.

When to commence, and how long to continue.

Bridge,—how to be built.

—to be accommodated with twelve lamps, &c.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said bridge shall be well built, at least thirty-two feet wide, of good and suitable materials, and be well covered with plank or timber, on the top, suitable for such a bridge, with sufficient rails on each side, boarded eighteen inches from the bottom, for the safety of passengers ; and the same shall be kept in good, safe and passable repair for the term aforesaid ; and at the end of the said term, the said bridge shall be left in like repair. And the said proprietors shall constantly keep the said bridge accommodated with at least twelve good lamps, four of which shall be at the draw, and kept burning through the night ; and all the said lamps shall be well supplied with oil, and lighted in due season, and those not at the draw, kept burning till twelve of the clock at night. And also at the several places where the toll shall be received, they shall erect and constantly expose to open view, a sign or board with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

And whereas it is always deserving of the attention of government in accommodating the public, and in promoting undertakings of public utility, to guard as much as possible against inconveniencies to any individuals ; therefore, for rendering the said bridge as little inconvenient as possible to the navigation of the said river, and for facilitating the passing and repassing of vessels through the said bridge :

A convenient draw or passage way to be built. SECT. 5. *Be it further enacted by the authority aforesaid*, That the said proprietors shall build, and during the said term keep a convenient

convenient and sufficient draw, or passage way, at least thirty feet wide, at some place in the said bridge, proper for the passing and repassing of vessels by day and by night, through the said bridge; and shall also build and maintain in good repair, a well constructed and substantial pier, or wharf, on each side of the said bridge, and adjoining to the draw every way, sufficient for vessels to lie at, securely; and the said draw shall be lifted for all ships and vessels, without toll or pay, except for boats passing for pleasure; and all ships and vessels intending to pass the said draw, shall lie free of charge, at the wharf or pier, until a suitable time shall offer for passing the same; and the said proprietors shall, during the said term, constantly keep at the said draw, some suitable person or persons, for lifting up the same, for the passing and repassing of all ships and vessels, with masts that shall not admit of a safe passage under the draw; and also an anchor placed in the bed of the river, at a proper distance above the draw, with a hawser of suitable size and strength extending through the draw to another anchor placed at a similar distance below the said draw, which hawser shall always have the bight or middle part lodged at the draw ready for use, to all vessels passing the draw either way; and they shall also constantly keep at the said draw, a good hawser or rope not less than three inches in circumference, of sufficient length to extend from the extremity of the wharf or pier on one side of the bridge, to the extremity of the wharf or pier on the other.

Draw shall be  
lifted without  
toll or pay, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That after the said toll shall commence, the said proprietors or corporation shall annually pay to the Treasurer of the town of Salem, or his successor in the said office, the sum of *forty pounds* lawful money, as a full compensation for the ferry-ways lately erected by the said town, the materials composing the same, and the emoluments arising from the said ferry; and to the Treasurer of the town of Danvers, in the said county, or his successor, the sum of *ten pounds*, lawful money, annually.

Compensation  
to be made to  
the towns of  
Salem and  
Danvers.

SECT. 7. *And be it further enacted,* That if the said proprietors shall refuse or neglect, for the space of four years after the passing of this Act, to build and compleat the said bridge, then this Act to be void, and of no effect

[This Act passed November 17, 1787.]

An ACT to incorporate certain Persons, by the Name of the Society, for propagating the Gospel among the Indians and others, in North-America.

**W**HEREAS divers persons have petitioned this Court for Preamble.  
an Act of incorporation, whereby they may be the better enabled to carry into effect their design of propagating the gospel among the Indians and others in North-America,

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and

and it is reasonable that the prayer of the said petition should be granted : therefore, to promote and encourage the same,

Certain persons  
incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Richard Cranch* of Braintree, Esq. Rev. *John Clark*, of Boston, *Francis Dana*, of Cambridge, Esq. Rev. *Joseph Eckley* and *John Eliot*, of Boston, Rev. *Nathanael Emmons*, of Franklin, Rev. *Levi Frisbie*, of Ipswich, *Moses Gill*, of Princeton, and *William Hyslop*, of Brookline, Esq's. Rev. *Timothy Hilliard*, of Cambridge, *Jonathan Mason*, of Boston, Esq. Rev. *Phillips Payson*, of Chelsea, Rev. *Eliphalet Porter*, and *Isaac Sumner*, Esq. of Roxbury, *Ebenezer Storer*, Esq. Rev. *Peter Thacher* and *Oliver Wendell*, Esq. of Boston, Rev. *Joseph Willard* and *Edward Wiggleworth*, and *Samuel Williams*, Doctor of Laws, of Cambridge, and the Rev. *Ebenezer Wright*, of Boston, be, with such others as they shall elect, and they hereby are incorporated and made a body politic, for the purpose aforesaid, by the name of *The Society for propagating the Gospel among the Indians, and others, in North-America* ; and the Society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to change, break, alter and make new at pleasure, and may purchase and hold in succession, lands, tenements, and real estate of any kind, the annual income and profits whereof not to exceed the value of *two thousand pounds*. And the said Society is hereby enabled to take and receive subscriptions, of charitably disposed persons, and may take any personal estate in succession ; and all donations to the Society, either by subscriptions, legacy or otherwise, excepting such as may be differently appropriated by the donors, shall make a part of, or be put into the capital stock of the Society, which shall be put out on interest, on good security, or otherwise improved to the best advantage, and the income or profits applied to the purposes of propagating the gospel among the said Indians, in such manner as they shall judge most conducive to answer the design of their institution ; and also among other people, who through poverty or other circumstances, are destitute of the means of religious instruction : And the said Society is hereby empowered to give such instructions, orders and encouragements to their officers, and those they shall employ, as they shall judge necessary ; and the persons employed as teachers in any capacity, shall be men of the protestant religion, of reputed piety, loyalty, prudence, knowledge and literature, and of other Christian and necessary qualifications suited to their respective stations.

Society to have  
perpetual suc-  
cession.

Enabled to take  
and receive sub-  
scriptions.

Persons em-  
ployed as  
teachers, to be  
of the protest-  
ant religion.

Time and place  
for holding the  
first meeting.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Society shall meet at some convenient place in the town of *Boston*, on the first Thursday of *December* next, and then choose a President, Vice-President, Treasurer and Secretary,



tary, and such other officers as they shall judge proper, and may make bye-laws and orders for the regulation of the said Society ; provided such bye-laws and orders be not repugnant to the laws of the land, and act upon all matters which they apprehend needful, to promote the end of their institution : and the officers so chosen shall continue in their office, until the Thursday next succeeding the last Wednesday of *May* next following the time of their appointment.

SECT. 3. *And be it further enacted*, That there shall be a Time of holding general meetings. general meeting of the members of the said Society, at *Boston* ing general meetings. aforesaid, or in any other place within this Commonwealth, (unless some extraordinary occurrence prevent the same) on the Thursday aforesaid in *May*, and first Thursday of *November*, yearly, forever, and oftener if needful, when and where the said Society shall think fit ; and any seven of the members (the President, Vice-President, Treasurer, or Secretary always to be one) being convened at the said times and places, are hereby declared to be a quorum of the said general meeting ; and the said Society, at their general meeting in *May*, in every year (and in case of any extraordinary occurrence preventing their meeting, then at their next general meeting after) shall, out of their own body, by a majority of the members present, elect a President, Vice-President, Treasurer and Secretary, and such other officers as they shall find needful, to continue in office until the *May* meeting next following their appointment, or until others be chosen to succeed them ; and all the officers aforesaid, before Officers shall be under oath. they shall be qualified to act, shall be under oath, for the faithful performance of their respective trusts ; and the said Society, at their first, or any other stated meeting, (and at no other) may elect into their body, such persons as they shall judge qualified to assist them in their good design ; provided the whole number of the said Society shall at no time exceed fifty members ; and may appoint committees, to prosecute the orders of any general meeting, audit the Treasurer's accounts, and prepare matters for the Society to act upon ; and such committees shall exhibit an account of their proceedings, at the general meetings of the said Society.

SECT. 4. *And be it enacted*, That the Society aforesaid, by Society declared capable of prosecuting actions, &c. the name aforesaid, shall be, and is hereby declared to be capable to prosecute, pursue, and defend, in all Courts, and places, and before all proper Judges whatsoever, all actions, causes, processes and pleas, of what kind or nature soever, in the fullest and amplest manner ; and if it shall happen that the said Society shall become seized of lands, or tenements by mortgage, as security for the payment of any debts, or by levying executions on lands for discharge of debts, due to the said Society, it shall be lawful for the said Society, by deed under the hand and seal of their President, for the time being, to sell and convey the lands

lands acquired in either of the two mentioned ways ; provided that no such sale shall be made, or concluded on, but at some general stated meeting.

Society may remove any of their officers. SECT. 5. *And be it further enacted*, That the said Society be, and hereby is empowered, upon the death of their President, Vice-President, Treasurer, Secretary, or any other officer, to choose others at any stated general meeting, to succeed them ; and may also remove any of their officers, when they shall judge expedient, and appoint others to succeed them therein. *Provided always*, That no member shall be removed, or officer displaced, unless at one of the stated general meetings as aforesaid.

And to the end, that the members of the said Society, and all contributors to the said design, may know the state of the Society's stock, and the dispositions of the profits thereof, and of all the donations made to the said Society :

Account of stock, &c. shall be exhibited at every general meeting. SECT. 6. *Be it further enacted*, That a particular account of such stock and disposition, shall be exhibited by the Treasurer, at every stated general meeting ; which accounts, the Secretary, or a committee of the said Society, (having examined the same) shall certify to be true ; and fair entries shall be made, in proper books, to be provided for that purpose, of all donations made to the said Society, and of all the estate, both real and personal, belonging to the Society, and of the incomes thereof, and also of all transactions, either by themselves, or their officers, or committees, for, or on account of the Society ; and the said books shall be brought to the stated general meetings of the Society, and be there open for the perusal and examination of the members.

Moses Gill, Esq. to call the first meeting. SECT. 7. *And it is further enacted*, That *Moses Gill*, Esq. be, and he hereby is authorized, by public notification, in *Nourse* and *Adams's Independent Chronicle*, to call the first meeting of the said Society, at such time and place, in the town of *Boston*, as he shall judge proper.

[This Act passed November 19, 1787.]

Additional Acts, June 15, 1789, Feb. 23, 1791, and Feb. 16, 1803.

An ACT for the Preservation of the Fish called Alewives in *Mattapoisset-River*, in *Rochester*, in the County of *Plymouth*, and for the regulating the taking the said Fish, in the said River.

Preamble.

WHEREAS the law which was heretofore made for the preservation of the fish called Alewives, in *Mattapoisset-River*, in the town of *Rochester*, and for regulating the taking the said fish, in the said river, has been found insufficient to answer the said purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That

That the owner or owners of each and every mill-dam, on the said river, shall make, provide and continue a sluice-way of three feet wide, and eight inches deep, for the said fish to pass their respective dams, as low as the Selectmen of the said *Rochester* shall judge convenient for the said fish to pass in. And the Selectmen of the said town of *Rochester*, are hereby authorized on the second Monday of *April* annually, to open the said sluice-ways, which when opened by them, shall remain open until the twentieth day of *May* annually; and the owner or owners of any dam on the said river, who shall neglect or refuse to make, provide and continue a sluice-way as aforesaid, or that after such sluice-way is opened as aforesaid, shall shut or obstruct the same during the term the said sluice-way is to be kept open as aforesaid, shall forfeit and pay the sum of *forty pounds* for each offence.

Sluice-ways to be made, &c.

Sluice-ways, when to be opened, &c.

SECT. 2. *And be it further enacted*, That the said town of *Rochester*, at their annual meeting for the choice of town officers in the months of *March* or *April* annually, are hereby authorized to choose a Committee consisting of not more than twelve, nor less than two suitable discreet persons, for *inspectors* of the said river, whose duty it shall be, within four days after their appointment, to post up in four public places in the said town nearest the said river, a notification under their hands or the major part of them, pointing out the times when, and places where the said fish may be taken in the said river; and if any person shall pull down or deface such notification, he or she shall for each offence forfeit and pay *ten shillings*; and if such Committee shall neglect or refuse to post up such notification within the said term of four days, such Committee shall forfeit and pay *ten shillings*; and any person who shall presume to take any of the said fish in the said river, except at the times and places appointed by the said Committee as aforesaid, shall forfeit and pay *three pounds* for each offence.

Town of Rochester to choose Inspectors, annually.

Their duty.

SECT. 3. *And be it further enacted*, That if any person or persons, shall make any wears, or any other obstruction, to hinder the passage of the said fish up the said river, each person so offending shall forfeit and pay the sum of *five pounds*; and any person, who shall take or catch any of the said fish in the said river, with any other instrument than a dip-net, shall forfeit and pay *four pounds* for each offence.

Forfeitures for making obstructions.

SECT. 4. *And be it further enacted*, That if any person shall set or draw any seine, drag-net or marso-net, in the said river, or within the following bounds of the harbour adjoining it, *viz.* beginning at the south-westwardly end of the island, owned by the Rev. Mr. *La Barron*, and from thence to the mouth of the creek which runs out of *Barlow's Pond*, (so called) from and after the tenth day of *April*, to the twentieth day of *May* annually, each person so offending shall forfeit and pay *ten pounds*.

Penalty, if any person shall set any seine, &c.

SECT.

Forfeitures

how recovered,  
&c.

SECT. 5. *And be it further enacted*, That all the forfeitures mentioned in this Act, shall accrue to the said town of *Rockester*, to be recovered by the Treasurer of the said town in an action of debt in any Court proper to try the same, and no person shall be considered as disqualified from giving evidence in any such action on account of his living in or being an inhabitant of the said town of *Rockester*.

SECT. 6. *And be it further enacted*, That the agreement made and entered into, between the said town of *Rockester*, and the owners of the lower dam, on the said river, with regard to the premises, shall be good and valid in law.

[This Act passed *March 1, 1788.*]

An ACT for annexing that Part of the Town of *Scituate*, commonly called the *Two-Mile*, to the Town of *Marshfield*.

Preamble.

WHEREAS it appears to this Court convenient and reasonable, that the said *Two-Mile* should be set off from the town of *Scituate*, and annexed to the town of *Marshfield*:

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the territory belonging to the town of *Scituate*, commonly called the *Two-Mile*, bounded westwardly by the *North-River*, (so called) southwardly by the town of *Pembroke*, and northwardly and eastwardly by the town of *Marshfield*, together with the inhabitants thereon, be, and they are hereby separated from the said town of *Scituate*, and annexed to the town of *Marshfield*; and shall forever hereafter be considered as a part of, and belonging to the said town of *Marshfield*: Provided,

Proviso.

that the inhabitants of the said *Two-Mile* be still held obliged to pay their proportion of all the taxes which have been already laid on the town of *Scituate*; that the inhabitants of the said *Two-Mile* shall be still held obliged to pay their rateable proportion of all debts due from the said town of *Scituate* to individuals, and which were contracted previously to the thirty-first day of *January*, in the year of our Lord, one thousand seven hundred and eighty-seven, in the same manner as if they had not been set off from the town of *Scituate*, in case the same shall be apportioned by the Assessors of the town of *Scituate*, on the polls and estates of the said territory called the *Two-Mile*, according to law, within two years after the passing of this Act, and that the said inhabitants be exempted from paying any part of the debts contracted by the town of *Marshfield*, previously to the passing of this Act: Provided also, that the inhabitants of the said *Two-Mile* relinquish all their right, title and interest in and to the common lands, of the town of *Scituate*; and that the said inhabitants shall not be included or charged in any future tax, for maintaining the poor of the town of *Scituate*.

SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all future taxes granted by this Commonwealth, and Future taxes, how assessed. assessed on the present valuation, the sum of *five shillings and six pence*, on each *thousand pounds*, be taken from the town of *Scituate*, and added to the town of *Marshfield*.

[This Act passed March 10, 1788.]

An ACT to prevent the destruction of Fish called Shad and Alewives, in *Ten and Three-Miles-Rivers*, in the County of *Bristol*. Repealed as to Three-Miles River, Feb. 11, 1791.

**W**HEREAS it is necessary for the preservation of the fish Preamble. called Alewives, in their passage up the rivers, called and known by the names of *Ten-Mile* and *Three-Mile-River*, in the county of *Bristol*, that some further provision should be made for the said purpose :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several towns through which the said *Ten and Three-Mile-Rivers* run, shall be, and they hereby are empowered and directed, in the month of *March* or *April* annually, to choose three or more persons in each town respectively, being freeholders within the same, as a Committee, who shall take an oath to the faithful discharge of his or their duty, and the said Committee or the major part of them shall have power to cause Towns to choose a committee annually. the natural course of the said streams through which the said fish pass, to be kept open, and without obstruction, and to remove all such obstructions as may be found therein, and to make the passage-ways wider or deeper, if they shall find it necessary ; and the Committee, or a major part of them, shall have authority for such purposes, to go on the land of any person, through which the said *Ten and Three-Mile-Rivers* run, without being considered as a trespassor or trespassors ; and any person, who shall molest or hinder the said Committee or either of them in the execution of the business of his or their office, or who shall obstruct any passage-way in the said rivers, otherwise than may be allowed by the said Committee, he or they shall forfeit and pay a fine not exceeding the sum of *fifteen pounds*, nor less than *five pounds*. Their power.

SECT. 2. *And be it further enacted,* That the said Committee, or the major part of them, at any meeting by them duly notified, shall be, and hereby are authorized and empowered to open any dam or sluice-way of any mill erected, or that may be erected on, over or across the said rivers, at the expense of the owner or owners of such dam, provided such owner or owners Empowered to open any dam or sluice-ways. shall neglect to open the same, when they are required by the said Committee, and the said dam or dams, or sluice-way or ways, so opened, shall continue open to such depth and width, and for such length of time betwixt the first day of *April*, and Proviso. last

Penalty for obstructing passage-ways.

last day of *May* annually, as the major part of the said Committee shall judge necessary ; and in case any person or persons shall be found to obstruct the passage-ways allowed or ordered by the said Committee in any dam or sluice, such person or persons so offending, shall forfeit and pay a fine, not exceeding the sum of *ten pounds*, nor less than *five pounds*.

Penalties, how recovered, &c.

SECT. 3. *And be it further enacted*, That all penalties incurred by a breach of this Act, may be sued for and recovered in any Court in the county of *Bristol*, proper to try the same, and all sums so recovered or forfeited by a breach of this Act, shall be appropriated, one moiety thereof to the prosecutor or prosecutors, and the other moiety thereof to the use of the poor in such town where the offence is committed ; and no person, by reason of his being one of the said Committee, or an inhabitant of either of the said towns, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

[This Act passed *March 10, 1788.*]

# An ACT for incorporating a Number of the Inhabitants of the Town of *Portland*, in the County of *Cumberland*, into a distinct and separate Religious Society.

Preamble.

**W**HEREAS a number of the inhabitants of the town of *Portland*, belonging to the parish or religious society, whereof the Rev. *Thomas Smith*, and *Samuel Dean*, are pastors, have petitioned this Court to be incorporated, for the reasons expressed in their petition, and it appearing to this Court reasonable that the prayer thereof should be granted :

Inhabitants incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the June*, That *Joseph McLellan, Thomas Sandford, John Fox, Joseph Ingraham, John Bagley, John Thrasher, Abner Lowell, Joshua Robinson, Abner Bagley, Enoch Moody, Abraham Stevens, George Warren, Abijah Poole, John Dole, Nathaniel Morse, George Lowther, Thomas Cammet, Hugh McLellan, Daniel Tucker, William Moody, Stephen Tuckey, Apollos Cushing, Samuel Goodwin, James Jewett, Eliphalet Morse, jun. Daniel Cobb, Alexander Parr, Thomas Webster, Thomas Hopkins, John Scott, Benjamin Moody, Charles Hossack, Lemuel Weeks, Eliphalet Dean, John Emmens, Enoch Morse, William McLellan, Rowland Davis, James Deering, Henry Dinsdale, Moses Brazier, James Jordan, Josiah Tucker, Francis Chase, Abraham Beeman, Samuel Hodgkins, Joseph McLellan, jun. William Bond, Stephen Thomas, Wymond Bradbury, Daniel Mussey, John Baker, Caleb Aspinwall, William Jenks, Joseph Jewett, Jonathan Swett, William Brown, John Lowell, and Asa Plummer*, the petitioners, and members of the said religious society, together with their polls and estates, be, and hereby are incorporated into a religious society, by the name

name of the Second Parish in the town of *Portland*, with all the privileges, powers and immunities which any parish in this Commonwealth is entitled to by law.

SECT. 2. *Provided nevertheless*, That the said second society <sup>Proviso.</sup> shall pay to the Rev. *Thomas Smith*, one quarter part of the sum that the First Parish shall vote annually for his support, and the said Second Parish is hereby directed and authorized to assess and raise the same, in such way as they may hereafter see fit; and the said First Parish is hereby discharged from assessing or paying of the said quarter part of the sum that they shall so vote: *Provided also*, That the said Second Parish shall pay their full proportion of arrearages heretofore assessed by the said First Parish, and also quit their right to the parish property, reserving however to themselves their pews in the meeting-house of the First Parish.

SECT. 3. *And be it further enacted by the authority aforesaid*, That *Daniel Davis*, Esq. be, and hereby is authorized to issue <sup>Esq. to call a meeting.</sup> Daniel Davis, his warrant, directed to some principal member of the said society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble at some suitable time and place in the said town, to choose such parish officers as are by law required to be chosen, in the months of *March* or *April* annually, and to transact all matters and things necessary to be done in the said society.

[This Act passed *March 17, 1788.*]

An ACT for incorporating a Congregational Society in the Town of *New-Salem*, and for repealing an Act heretofore made for that Purpose.

**W**HEREAS an Act passed in the year of our Lord one <sup>Preamble.</sup> thousand seven hundred and eighty-two, entitled, "An Act to incorporate the Committee of the Congregational Church and Society in the town of *New-Salem* for certain purposes," has been found inadequate for the purposes therein intended:

And whereas the members of the said Church, and the inhabitants of the said town, have supplicated this Court that the said Act may be repealed, and have petitioned that the said inhabitants may be incorporated into a parish:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Act, and every clause of the same, be, and is hereby repealed and declared null and void; and that all <sup>Former Act re-</sup> donations, subscriptions, and other securities, forming the fund <sup>pealed.</sup> of *eight hundred pounds*, in the said Act specified, shall revert and be paid back to the respective subscribers and donors, on condition nevertheless, that they and each of such subscribers

and others, indebted to the said fund by specialty, pay all interest due thereon, until the day of passing this Act.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town, not before set off and annexed to the east parish of *Pelham*, be, and they hereby are incorporated into a parish by the name of the Congregational Society in the town of *New-Salem*, and hereby are invested with all the powers, privileges and immunities that precincts or parishes within this Commonwealth do or may enjoy.

And that it may be known at any time, who of the inhabitants of the said town belong to the said parish :

**SECT. 3.** *Be it enacted by the authority aforesaid,* That all those inhabitants of the said town of *New-Salem*, who usually attend public worship with the aforesaid society, with whom the Reverend *Joel Foster* now officiates, shall be deemed and taken to belong to the said parish, to all intents and purposes, until they shall signify in writing under their hands to the Clerk of the said town, their intention to attend public worship with some other religious society.

**SECT. 4.** *Provided nevertheless,* That all parishioners so removing shall signify the same as above, within two years from the date of this Act ; and shall be held to pay all arrears of taxes legally assessed on them by the said parish before their removal.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That *Daniel Shaw*, Esq be, and hereby is authorized and directed to issue his warrant within two months from the passing this Act, directed to some principal inhabitant belonging to the said parish, requiring him to give notice to the inhabitants of the parish aforesaid, qualified to vote in parish affairs, to assemble at some suitable time and place in the said parish, to choose all such officers as parishes are by law required to choose annually, and to transact such other matters and business as is necessary to be done in the said parish.

[This Act passed March 18, 1788.]

Act Nov. 22,  
1783, exempts  
Moses Knapp  
and his associates  
from taxes  
for seven years.

Preamble.

An ACT for incorporating the Plantation of *New-Worcester*, so called, or No. 9, in the County of *Lincoln*, into a Town by the Name of *Orrington*.

**W**HEREAS the inhabitants of *New-Worcester* have represented to the General Court, that they labour under many inconveniencies in their present unincorporated state, and are desirous of being incorporated into a town.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Plantation called *New-Worcester*, and included within the boundaries hereafter described, together with the inhabitants



tants thereof, be, and they are hereby incorporated into a town by the name of *Orrington*, beginning on the east side of *Penobscot-River*, at the northwest corner of No. I, or *Buckstown*; thence running on the north lines of the said No. I, and of township No. VIII, north seventy degrees east, five miles and one hundred and eighty-four rods; thence south forty-eight degrees east, three miles; thence north forty-two degrees east, six miles; thence north forty-eight degrees west, six miles, on the south line of No. X, to *Penobscot-River*; thence down the said river, to the bounds first mentioned, containing thirty-seven thousand three hundred and seven acres, agreeably to a plan taken by Mr. *Barnabas Dodge*, reserving however three acres at the northwest corner of the tract included in the above lines, which since the survey has been set off to No. X, or Colonel *Eddy's* township, for a landing place: And the said town is hereby vested with all the powers, privileges and immunities, which other towns in this Commonwealth by law do, or may enjoy.

SECT. 2. *And be it further enacted*, That *Simeon Fowler*, Esq. of the said place, be, and he hereby is empowered to issue his warrant directed to some principal inhabitant of the said town, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose at their annual town-meetings, in the month of *March* or *April*.

[This Act passed *March 21, 1788.*]

An ACT to incorporate the Inhabitants of a Plantation known by the Name of *West-Bowdoinham*, in the County of *Lincoln*, into a Town by the Name of *Bowdoin*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation of *West-Bowdoinham*, beginning at the southwest corner of *Bowdoinham*, and running west-northwest ten miles, then north northeast eight miles, then east southeast ten miles to *Bowdoinham* line, and south southwest, eight miles, to the first mentioned bounds, be, and hereby is incorporated into a town by the name of *Bowdoin*, with all the powers, privileges and immunities that towns within this Commonwealth have or do enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *John Merrill*, Esq. be, and hereby is empowered to issue his warrant directed to some principal inhabitant of the town of *Bowdoin*, qualified as the law directs, to assemble and meet at some suitable time and place in the said town, and choose such officer or officers as towns by law are empowered to choose at their annual meeting in the month of *March* or *April*.

[This Act passed *March 21, 1788.*]

An

An ACT to annex certain Land hereafter described, to the Town of *Cummington*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the gore of land lately sold by the Commonwealth, of two thousand and two hundred acres, also a grant known by the name of Murreyfield Grant, of twelve hundred acres, also a grant known by the name of Miner's Grant, containing three hundred acres, the said several tracts include all the unincorporated lands between the towns of Chesterfield, Ashfield, Cummington and Goshen, which lie on the easterly end of, and are adjoining to Cummington, together with the inhabitants thereof, be, and hereby are annexed to the town of Cummington, and the said inhabitants shall do duty and receive privileges equal to other inhabitants of the said town.*

[This Act passed March 21, 1788.]

An ACT for setting off *Nathaniel Kingsbury*, an Inhabitant of the first Parish in *Dedham*, in the County of *Suffolk*, and annexing him, and his Estate, to the Third Parish in the said *Dedham*.

Preamble.

**W**HEREAS *Nathaniel Kingsbury*, living within the first parish in *Dedham*, in the county of *Suffolk*, hath represented to this Court, that it is very inconvenient for him to attend the public worship of God in the said first parish, and praying that he may be annexed to the third parish in the said *Dedham*; and it appearing that the said parishes have severally agreed thereto:

Enacting clause *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Kingsbury, and his estate, belonging to the said first parish, be, and hereby is set off from the first parish, and annexed to the third parish in Dedham, and shall forever hereafter be considered as belonging to, and making part of the same.*

[This Act passed March 21, 1788.]

An ACT for altering a certain Clause in an Act, entitled, "An Act to prevent the Destruction of Salmon, Shad and Alewives and other Fish, in *Agawam* or *Westfield-River*."

Preamble.

**W**HEREAS by the said Act no person or persons are allowed to catch any salmon, shad or alewives, with seines, nets, pots, or in any other way within two miles of the entrance of the said river into *Connecticut-River*, nor in *Connecticut-River*,

*necticut-River*, within half a mile south, or forty rods north of the mouth or entrance of the said *Agawam* into *Connecticut-River* :

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the clause in the said Act, respecting catching fish in *Connecticut-River*, be, and the same is hereby so far altered and repealed, as that any person or persons, may catch fish in *Connecticut-River*, with seines, nets, pots, or in any other way or place, excepting within one hundred rods directly south of the entrance of the said *Agawam* into *Connecticut-River* ; any thing in the said Act to the contrary notwithstanding. Clause altered.

[This Act passed March 26, 1788.]

An ACT in addition to, and in explanation of an Act, entitled, “An Act to incorporate the South Parish of the Town of *Bolton*, together with *David Taylor*, *Silas Carley*, *Job Spafford* and *John Brigham*, Inhabitants of *Marlborough*, with their Estates, into a District by the Name of *Berlin*.” Mar. 16, 1784.

**W**HEREAS previous to the incorporation of the district Preamble. of *Berlin*, the inhabitants of the town of *Bolton* did by vote agree, among other things, that on the incorporation of the said parish, that corporation should take their proportion of the poor that might lie on the town of *Bolton* at the time of the said incorporation ; and if it should so happen, that after such incorporation, any poor persons should be brought back to the same town for maintenance, they should be maintained by that part of the town, whereof they were inhabitants, when they removed from the same town ; yet the Act for incorporating *Berlin* hath not made complete provision in all cases respecting the said poor, and the suits and controversies that have and may hereafter happen concerning them : Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the district of *Berlin* shall be chargeable, not only with their proportionable part of the expense of supporting the poor belonging to the said town of *Bolton*, previous to the time when *Berlin* was incorporated, but also their proportionable part of all the expense of any suit or process which the town of *Bolton* have been put to, respecting any poor person who belonged to the said town of *Bolton* previous to the time of the said incorporation. District of Berlin shall be chargeable with their part of the expense of supporting the poor, &c. And if the said town of *Bolton* has been put to any expense since the said incorporation, for the necessary support of any person, who, at the time of their last removal from *Bolton*, previous to the said incorporation, was an inhabitant in that part of the said town of *Bolton*, that is now *Berlin*, the district of *Berlin* shall pay

pay to the said town of *Bolton* the said expence to which they have been so put.

Proviso.

SECT. 2. *Provided always*, That all agreements heretofore made respecting the same poor, suits or processes between the town of *Bolton* and the district of *Berlin*, or their agents or committees, shall be deemed valid and binding, according to the true purport and meaning of the same.

When the town of *Bolton* shall be served with any citation, &c. selectmen or overseers to give notice thereof.

SECT. 3. *And be it further enacted by the authority aforesaid*, That whenever hereafter, the town of *Bolton*, or the Overseers of the poor, or the Selectmen thereof, shall be served with any citation, notification or precept, to shew cause why any poor person shall not be removed to, or supported by the said town of *Bolton*, or why the said town of *Bolton* shall not be charged with any expence respecting any poor person, which poor person, at the time of their last removal from *Bolton*, previous to the said incorporation, was an inhabitant in that part thereof which is now *Berlin*, or which poor person descended from or was wife of any person, who, at the time of such removal from *Bolton*, was an inhabitant in the part thereof last mentioned, the Selectmen or Overseers of the poor of the town of *Bolton* shall, in forty-eight hours after service made as aforesaid, by writing under their hands, give notice to the Selectmen or Overseers of the poor of *Berlin*, of the said citation, notification or precept, and the contents thereof; and that by virtue of this Act, the district of *Berlin* are to respond, if they see fit; and the said Selectmen or Overseers of the poor of *Bolton* shall certify and make return of the same, under oath, to the Justice or Court before whom they are cited, to appear at or before the time of hearing, and thereupon the said district of *Berlin* shall in all respects be considered as defendant or respondent, and shall respond or defend in the same manner as *Bolton* would have otherwise been considered, or would have been obliged to defend or respond; and all after proceedings shall be had accordingly; and the town of *Bolton* shall recover fees for the said notice and return, as officers have in case of service, and return of writs, to be paid by the party against whom sentence may be given.

Proviso.

SECT. 4. *Provided nevertheless*, That whenever the Selectmen or Overseers of the poor of the district of *Berlin* shall dispute their being holden to respond, as aforesaid they shall give notice thereof to the Selectmen or Overseers of the poor of *Bolton*, in forty-eight hours after notice given to them as aforesaid, in which case the Court or Justice aforesaid shall have full power to determine the same dispute, if in the course of the process it may be necessary to be determined; and any removal or adjudication touching the same shall be had agreeably to the same determination. And the district of *Berlin* are hereby authorized to commence, prosecute and defend any suit, process or complaint, respecting any poor person or persons, their wives

wives or descendants, whose last remove from *Bolton*, previous to the said incorporation, was from that part thereof which is now *Berlin*, in the same manner they might have done had they been a corporation before such removal.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person or persons, their wives or descendants, whose last remove from *Bolton*, previous to the same incorporation, was from that part of *Bolton* which is now *Berlin*, and was not an inhabitant of *Bolton* at the said time of incorporation, shall become poor, that in every such case the town of *Bolton* may proceed against, and charge the said district with the support and maintenance of such poor person or persons, their wives or descendants, in the same manner as they might have done if *Berlin* had been incorporated at the time of the removal last mentioned.

Clause respecting poor persons who removed previous to the incorporation.

[This Act passed March 26, 1788]

An ACT to prevent the Destruction of Alewives and other Fish in *Ipswich-River*, and to encourage the Increase of the same.

Additional acts Mar. 28, 1793. March 7, 1797. Not to extend to Miles River or Wenham-Pond, by Act March 9, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the owner or owners, occupier or occupiers of the dam across *Ipswich-River*, commonly called *Warner's mill-dam*, and also the owner or owners, occupier or occupiers of the dam of *Farley's mill*, so called, be, and they are hereby required, henceforward, at their own cost and charge, in proportion to their several interests, to make and keep open a passage for the fish through their respective dams, from the twentieth day of *April*, to the thirteenth day of *June* annually: And that the said passages be within four feet of the northerly end of each of the said dams, five feet wide, to extend from the underside of the cap-piece, which cap-piece shall be level with the said dam, and as low as the upper side of the mud-fills of the same; and that during the said time, the bottom of the said passage be covered with flat stones or gravel, in such manner as that the bottom be not raised higher than the fills, and that nothing shall be kept, put or placed on the upper side of either of the said dams, nor any thing put or placed below either of them, within six feet of the sluice way on the southerly side of them, except a brace on the southerly side of each of the said sluice ways, to guard the said cap-pieces, on penalty that the owner or owners, occupier or occupiers of either of the aforesaid mills neglecting to observe the directions of this Act in any of the instances before mentioned, shall for every such offence forfeit the sum of *twenty pounds*, to be recovered of them, or either of them, by action of debt, in any court of record proper

Owners or occupiers of *Warner's* and *Farley's* mills required to keep open a passageway.

Penalty for neglect.

proper to try the same, in the county where the offence shall be committed, to be disposed of as follows, viz. one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

**Passage way to be kept open at Dodge's mills.** SECT. 2. *Be it further enacted*, That the owner or owners, occupier or occupiers of *Dodge's Mills*, so called, at the *Little Falls* on the said river, be and they are hereby required to keep open the passage over the said falls, from the grist-mill to a large rock in the angle of the falls or dam, down to the mud-fill, from the twentieth day of *April* to the thirteenth day of *June* annually, on penalty that the owner or owners, occupier or occupiers of the aforesaid mills, neglecting to observe the directions of this Act, shall for every such offence forfeit and pay the sum of *twenty pounds*, to be recovered of them, or either of them, by action of debt, in any court of record, within the same county proper to try the same, one moiety thereof to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

**All other sluices or passages shall be kept open.** SECT. 3. *And be it further enacted*, That the sluices or passages through, or by all other mill-dams, now erected, or that shall hereafter be erected upon the said river, or by any stream or streams running from any natural pond into the same, provided the said mill-dam be below the same ponds, shall be open, and kept open; and that the owner or owners, occupier or occupiers of such mill-dam, shall make, maintain and keep open the said sluices or passages, at their own cost and charge, in the same manner, as heretofore in this Act is provided, with regard to the passages through *Warner's* and *Farley's* mill-dam, and under the said penalty for every neglect, to be recovered and disposed of in the same manner.

**Penalty for taking fish with seines or drag-nets.** SECT. 4. *And be it further enacted*, That every person who shall, after the twentieth day of *April*, which will be in the year of our Lord, one thousand seven hundred and eighty-eight, presume to take any fish of any kind in the said river or its branches, or any of the ponds emptying themselves into the same, with seines or drag-nets of any kind, shall forfeit, for every such offence, the sum of *twenty pounds*, to be recovered in any court of record proper to try the same, one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence is committed.

And whereas it has been found by experience, that saw-dust floating in streams where fish pass, obstruct their passage:

**No saw-mill shall be suffered to go, between the last day of April and first day of June annually.** SECT. 5. *Be it further enacted*, That none of the saw-mills on the said river, or any of the streams running from natural ponds into the said river, shall be suffered to go between the last day of *April*, and the first day of *June* annually, for cutting any wood or timber; and every owner or occupier of such mill, who within the term aforesaid shall use or suffer the same to be used,

used, or employed for such purposes as aforesaid, shall incur the penalty of *twenty pounds*, to be recovered and disposed of in the same manner as aforesaid.

SECT. 6. *And be it further enacted*, That from and after the passing this Act, every town bordering on *Ipswich-River*, where alewives and other fish go up to cast their spawn, shall, at their meeting in *March* or *April*, for the choice of town officers annually, choose at least three suitable and fit persons, whose duty it shall be, jointly or severally, to see that this Act be duly observed, and to inform against any person or persons that shall offend against the same; and all persons so chosen, shall be sworn to the faithful discharge of their duty in such office; and if any person chosen as aforesaid, shall refuse or neglect to be sworn, after due notice given, he shall forfeit and pay the sum of *forty shillings*, for the use of the poor of the town to which he belongs, to be recovered by the Treasurer of such town, in any Court proper to try the same; and such town shall proceed to a new choice, and so *toties quoties*.

Towns bordering on Ipswich River, to choose a committee, annually.

SECT. 7. *And be it further enacted by the authority aforesaid*, That each and every person, who shall, from and after the twentieth day of *April*, to the thirteenth day of *June* annually, presume to take any of the said fish, in the river aforesaid, or any of the streams running into the same, except on Monday, Wednesday and Friday, in each week, during the time limited by this Act, and in that case, not to be taken within two rods of any of the sluices aforesaid, shall forfeit and pay for every such offence, a sum not exceeding *forty shillings*, nor less than *twenty shillings*, to be recovered on complaint or information, one moiety to the prosecutor, and the other moiety to the poor of the town where the offence is committed; and the said committee shall be admitted as witnesses or witnesses on the trial.

Penalty for taking fish, except on the days allowed by this Act.

SECT. 8. *And be it further enacted by the authority aforesaid*, That all the laws heretofore made, relative to fish passing up *Ipswich-River*, and for regulating the taking of the said fish, be, and they hereby are repealed and made null and void.

Former laws repealed.

[This Act passed March 28, 1788.]

An ACT for the Preservation of the Salt Marshes in that Part of the Town of *Dorchester*, in the County of *Suffolk*, known by the Name of *Squantum*.

WHEREAS the salt marshes aforesaid sustain great damages by the feeding and trampling of cattle, by which means the owners are deprived of a great part of the crops of hay, upon which they rely for the supporting their stock:

Preamble.

SECT.

VOL. I.

2....A

Cattle or horses  
may be im-  
pounded.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any cattle or horses found on the aforesaid salt marshes, between the fifteenth of April, and the fifteenth of September, annually, may be impounded by the owners of the said marsh, or any other person by them employed, in either of the pounds in Milton or Braintree; and the owners of the said cattle shall be liable to pay all damages that may arise, in consequence of their cattle feeding and trampling on the said meadows.*

Directions to  
pound-keepers.

SECT. 2. *And be it further enacted by the authority aforesaid, That the pound-keepers in the towns of Milton or Braintree, are hereby directed and empowered to receive all such cattle and horses, and to conduct themselves as the law directs in other cases where cattle are impounded.*

[This Act passed March 29, 1788.]

An ACT to set off a certain Point of Land, adjoining to *Topsham*, now known by the Name of *Patten's Point*, from the Town of *Bowdoinham*, and annexing the same to the Town of *Topsham*.

Patten's Point  
set off.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain point of land belonging to the town of Bowdoinham, in the county of Lincoln, known by the name of Patten's Point, and separated from the rest of the town of Bowdoinham by the river known by the name of Catkance, be, and the same is hereby set off from the town of Bowdoinham, and that the same be annexed to the town of Topsham; provided the inhabitants of the said point of land shall be holden to pay their proportion of all taxes which have been assessed, ordered or voted to be laid on the said town of Bowdoinham, by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.*

[This Act passed March 29, 1788.]

An ACT for setting off a certain Tract of Land, belonging to the Town of *Belchertown*, in the County of *Hampshire*, and for annexing the same to the Town of *Pelham*.

Preamble

**W**HEREAS a number of the inhabitants of the town of *Belchertown* have petitioned this Court to be set off from said *Belchertown*, and annexed to the town of *Pelham*, and it appearing to this Court to be reasonable that the prayer of said petition should be granted:

SECT.



SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the land belonging to *Belchertown*, with the inhabitants thereon, contained within the boundaries hereafter mentioned and described, *to wit*, beginning at a stake and stones upon *Pelham* south line, at *Paul Thuyssen's* north-east corner, then running southwardly, upon the east side of said *Paul Thuyssen's*, *Thomas Thuyssen's* and *Francis Stratton's* land, until it comes to said *Francis Stratton's* south-east corner, then westwardly on the south line of said *Stratton*, *John Glass*, *Elisba Munsel*, and *John Pejs*, until it comes to said *John Pejs's* south-west corner, then running northerly a parallel line with the east line to *Pelham* south line, then east on *Pelham* south line, to the first-mentioned corner or bound, be, and hereby are set off from the town of *Belchertown*, and annexed to the town of *Pelham*, and shall forever hereafter be considered as belonging to, and making part of the said town of *Pelham*. Boundaries.

SECT. 2. *Provided nevertheless,* That nothing in this Act shall in any manner affect or discharge the taxes already assessed or ordered to be assessed in the town of *Belchertown*, but the inhabitants aforesaid shall be considered as held to pay all such taxes, which remain due and unpaid from the said inhabitants respectively : Reserving, however, the right of the town of *Belchertown*, of taxing the inhabitants aforementioned, their proportionable part of all public taxes, that shall be ordered to be assessed on the town of *Belchertown*, until a new valuation shall take place in this Commonwealth, and no longer. Proviso.

[This Act passed June 16, 1788.]

An ACT in addition to an Act, entitled, "An Act for incorporating a Number of the Inhabitants of the Town of *Amherst*, in the County of *Hampshire*, into a separate Parish, by the Name of the Second Parish in the Town of *Amherst*." June 19, 1788.

WHEREAS further provision is necessary for the support of public worship in the said town of *Amherst*, and to promote the peace and mutual good will of the inhabitants thereof: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the said town of *Amherst* shall be taken and considered as belonging to that parish, in the said town, where they have usually attended public worship for the term of one year, next before the passing of this Act, and that in future the inhabitants of the said town, with their heirs and successors, shall have liberty to attend public worship at that parish. Inhabitants considered as belonging to that parish where they attend public worship, &c.

parish in the said town, which they shall prefer, and shall pay parochial taxes where they shall to attend, they producing to the respective Assessors a certificate from the Minister of the parish to which they shall remove, or from the parish Clerk, in case there be no Minister, that they have generally attended public worship there, for the space of one whole year together next preceding the date of such certificate; and previous to such removal, entering their names, expressing their intention, with the Clerk of the parish from which they shall remove.

Taxes already  
assessed, how  
collected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all taxes or arrears of taxes, which have been assessed in consequence of, and agreeably to the incorporation Act of the said second parish, shall be collected in the same manner as if this Act had not been made: Provided that the sons of the inhabitants of the second parish, that have been taxed by the first parish, and those who have removed into the said town, and have attended worship at the second parish, and have been taxed by the first parish, shall not be held to pay such assessments.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any person removing into said town may attend public worship, and pay parochial taxes at either parish, he entering his name with the Clerk thereof for that purpose.

Non-resident  
proprietors,  
how taxed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the real estate owned by non-resident proprietors shall be taxed for the use of the parish where the occupier belongs, according to the regulations aforesaid; and if there be no occupier who is an inhabitant in said town, then the taxes of it shall be paid to the parish which such proprietor shall direct.

[This Act passed *June 17, 1788.*]

### An ACT to incorporate the Plantation called *Lewis-* *town*, in the County of *Lincoln*, into a Town by the Name of *Greene*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the northerly part of the plantation heretofore known by the name of *Lewisflexen*, in the county of *Lincoln*, bounded as follows, viz. Beginning at the south-west corner of lot No. one, thence running south-east to the *Plymouth* line, so called, thence northerly by said *Plymouth* line, to the north-east corner of the said plantation or lot, No. one hundred and ninety, thence north-west to *Androscoggin River*, thence southerly by said river so as to bring the first mentioned bounds to bear south-east, thence south-east to the first mentioned bounds, with

with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Greene*, and shall have all the powers, privileges and immunities, which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted*, That *Daniel Cony*, Esq. be, and he is hereby directed to issue his warrant, directed to some suitable inhabitant of the said town, requiring him to notify the said inhabitants to meet at such time and place as he shall appoint in the said warrant, to choose such officers as other towns are by law empowered to choose in the months of *March* or *April* annually.

*Daniel Cony*,  
Esq. to call a  
meeting.

[This Act passed June 18, 1788.]

An ACT to prevent the Destruction and regulate and limit the catching of Fish, in the Rivers and Streams in the Town of *Westport*, in the County of *Bristol*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no seine or net shall be drawn at any time of the year, any where in the rivers within the said town of *Westport*, below the south end of an island, called *Lake's Island*, striking a line of an east and west course, from the south end of said island, or within half of a mile from the entrance of the harbour of said town: And that in the months of *October* and *November*, yearly, and every year, no seine or net shall be drawn any where in either of the rivers, arms or creeks within the said town; and if any person or persons, after the passing of this Act, shall presume to draw any seine or net at any place or time, which is not allowed as above mentioned and described, he or they so offending shall forfeit and pay the sum of *three pounds* for each offence, to be recovered by action of debt in any court proper to try the same, the one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the town of *Westport*; and every such seine or net, with its appendages so drawn, shall be forfeited to the use of said town.

Penalty for  
drawing any  
seine, &c. con-  
trary to this  
Act.

How recovered.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the town of *Westport* shall be, and hereby are empowered and directed, at their meeting for the choice of town officers in *March* or *April* annually, to choose three or more suitable persons in the said town, to see that this Act be duly observed; and each person so chosen shall be sworn faithfully to discharge the duties required of him, agreeably to this Act.

*Westport* em-  
powered to  
choose a com-  
mittee annual-  
ly, to see that  
this Act is duly  
observed.

[This Act passed June 18, 1788.]

An

An ACT to incorporate a Plantation, known by the Name of *Noridgewock*, in the County of *Lincoln*, into a Town by the Name of *Noridgewock*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land described and bounded as followeth, viz. beginning at the head of *Sconbegan Falls*, on *Kennebec River*, thence running north, about one mile and one hundred and ninety-six poles on *Canaan* line, thence west about six miles and a half to *Kennebec River*, at *Noridgewock Point*, thence south about six miles and one hundred and twenty poles, unto a line running east about five miles and striking the south-west corner of *Canaan*, then east on said line to said corner, thence north about three miles and three quarters, on the westerly bound of *Canaan* and across *Kennebec River*, thence down said river, to the head of *Sconbegan Falls* before mentioned, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Noridgewock*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

Daniel Cony, Esq. to call a meeting.

SECT. 2. *And be it further enacted,* That *Daniel Cony, Esq.* is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meeting in the months of *March* or *April* annually.

[This Act passed June 18, 1788.]

An ACT to incorporate a Plantation in the County of *Lincoln*, known by the Name of *Fairfield*, into a Town by the name of *Fairfield*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land described and bounded as followeth, viz. Beginning at *Kennebec River*, at the south-east corner of the proprietors mile lot marked C. 1. in the northerly line of *Winflow*, thence running west-north-west, the course of the north line of said *Winflow*, six miles, thence north, eight degrees and an half west, about six miles and a half, unto a line running an east course and striking the south-east corner of lot number thirty-four, in *Canaan* on *Kennebec River*, then running on the last mentioned line to said river, and thence down said river, to the first mentioned bounds, together with the inhabitants

inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Fairfield*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

SECT. 2. *And be it further enacted*, That *Daniel Cony, Esq.* is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Fairfield*, directing him to notify the inhabitants of the said town, to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meetings in the months of *March* or *April* annually.

*Daniel Cony, Esq. to call a meeting.*

[This Act passed *June 18, 1788.*]

An ACT for incorporating certain Tracts of Land in the County of *Lincoln*, with the Inhabitants thereon, into a Town by the Name of *Canaan*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the tracts of land bounded as followeth, viz. Beginning at the south-east corner of lot No. thirty-four, in said *Canaan*, on *Kennebec River*, at the north-easterly corner of *Fairfield*, thence running west four miles and two hundred and eight poles, then north about three miles and an half, to *Kennebec River*, then down said river, to the head of *Scouhegan Falls*, so called, thence north, about one mile and one hundred and ninety-six poles, to *Noridgewock* north line, or a line running east from *Noridgewock Point*, thence east nine miles and forty poles, thence south, about six miles and an half, until it meets a line running a west course across *Kennebec River*, to the first mentioned bounds, then west on said line to said bound, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Canaan*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

*Boundaries.*

SECT. 2. *And be it further enacted*, That *Daniel Cony, Esq.* be, and he is hereby empowered to issue his warrant, directed to some principal inhabitant of the said town of *Canaan*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose all such officers as other towns are empowered to choose at their annual meetings in the months of *March* or *April* annually.

*Daniel Cony, Esq. to call a meeting.*

[This Act passed *June 18, 1788.*]

An

**An ACT for preventing the Destruction of Alewives  
in the Town of *Wellfleet*, and regulating the Fishery  
of them in the said Town.**

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the author-*

Town of Well-  
fleet authoriz-  
ed to choose a  
committee an-  
nually.

Their power  
and duty.

*ity of the same,* That it shall and may be lawful for the freeholders and other inhabitants of the town of *Wellfleet*, qualified by law to vote in town affairs, at their annual meeting by law appointed for the choice of town officers, to choose a committee of three or more persons, being freeholders of said town, to inspect the said fishery of Alewives, who shall be duly sworn to the faithful discharge of their duty :—And the said committee shall have full power and authority to meet, agree and determine upon rules and regulations respecting the taking the said fish, at what time, place or places the same shall be taken, within the limits of the said town ; and of the rules and regulations, agreed and determined upon by the said committee or the major part of them, they shall cause fair copies to be posted up in three different parts of the said town, within fourteen days at the least, after their having been chosen as aforesaid, and shall also fix marks or bounds in the place or places allowed for fishing.

Penalty for tak-  
ing fish at any  
time or place,  
not allowed of  
by the com-  
mittee.

SECT. 2. *And be it further enacted,* That if any person or persons shall take any of the said fish in the rivers, streams or ponds, within the said town, at any other time or place than shall be allowed by the said committee as aforesaid, each person so offending, for each and every such offence shall, on conviction thereof, pay a fine not exceeding *twenty shillings*, nor less than *five shillings*, if the quantity of fish so taken is less than one barrel ; but if the quantity so taken, shall be one barrel, or more, such person or persons so offending shall forfeit and pay for each and every barrel of fish so taken, the sum of *twenty shillings*.

Penalty when  
any persons are  
detected in at-  
tempting to  
take fish.

SECT. 3. *And be it further enacted,* That if the committee aforesaid, or either of them, shall detect any person in attempting to take any of the said fish, at any time or in any place other than is allowed by the said committee as aforesaid, or shall find such fish with such person or persons, he or they shall be deemed to have taken the fish unlawfully, and shall be subject to the penalties of this Act, as before mentioned, unless such person or persons can make it appear, on trial, that they came by the said fish in some other way.

Penalty for  
presuming to  
take or catch  
fish, with any  
other nets than  
scoop or dip-  
nets.

SECT. 4. *And be it further enacted,* That no person shall presume to take, catch or haul on shore, any of the said fish within the limits of the said town, with any other nets than with scoop or dip-nets, on pain and penalty of forfeiting for each and every offence a sum not exceeding *five shillings*,  
nor

nor less than *thirty shillings*. And the said committee shall, during the passing of the said fish up the rivers and streams within the said town, as well as during the return of the said fish, and of the passing of their fry, from the ponds to the sea, cause all obstructions to their passage, whether by wears, fences, walls, or otherwise, to be removed, and may make wider or deeper the said passage-ways, when they shall judge it necessary, the said committee paying a reasonable consideration therefor, if demanded; and shall have authority for those purposes, to go on the land or meadow of any person, through which any of the said streams run, without being considered as trespassers; and any person who shall molest or hinder the said committee, in the execution of their duty, or shall in any way or manner obstruct the passing of the said fish, by wears, fences, walls or otherways, shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *thirty shillings*.

Committee to cause obstructions to be removed, &c.

SECT. 5. *And be it further enacted*, That no inhabitant of any other town than the said town of *Wellfleet*, shall catch or take any of the said fish, in any of the rivers, streams or ponds within the said town of *Wellfleet*, without leave had therefor in writing, of the said town of *Wellfleet*, or of their said committee.

No inhabitant of any other town shall take any fish without leave from the town of *Wellfleet*.

SECT. 6. *Provided nevertheless*, That during the fishing season, any inhabitant of the neighbouring towns shall be supplied by the committee, or some person by them appointed for that purpose, to the number of three hundred of the said fish, or any less quantity, if thereto requested, such inhabitant paying therefor at a rate not exceeding *one shilling* per hundred; and in case of neglect or refusal to supply such inhabitant as aforesaid, upon application of the aggrieved person to any Justice within the county of *Barnstable*, not an inhabitant of *Wellfleet*, such Justice may authorize and appoint some suitable person to catch and take the said fish, and supply the inhabitants of the neighbouring towns therewith, the person so appointed to conform to the rules established by the said committee, respecting the time and place of taking the said fish, and to be allowed by the said Justice, from the sale of the fish he shall so take, a reasonable sum for his time and trouble; and if any overplus remain after being paid as aforesaid, the same shall be by him paid to the Treasurer of the said town of *Wellfleet*.

Proviso.

SECT. 7. *And be it further enacted*, That all fines and forfeitures incurred by any breach of this Act, may be sued for and recovered before any Justice of the Peace in the said county of *Barnstable*; and all fines recovered for any breach of this Act, shall enure, one moiety thereof to the said town of *Wellfleet*, and the other moiety to him or them that shall sue for and recover the same. And no person, by reason of his

Fines and forfeitures, how recovered and applied.

being

being one of the said committee or an inhabitant of the town of *Wellfleet*, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

[This Act passed June 19, 1788.]

An ACT for naturalizing *William Menzies*, and others, therein named.

Preamble.

**W**HEREAS *William Menzies*, late of *Great-Britain*, now residing in *Douglafs*, in the county of *Worcester*, *Paul Crocker*, and *Lydia Crocker*, his wife, and their three minor grand-children, namely, *Joanna Crocker Chute*, *Paul Crocker Chute*, and *George Washington Chute*, late of *Annapolis*, in the Province of *Nova-Scotia*, now residing in *Lunenburg*, in the county of *Worcester*, and Commonwealth aforesaid, and *Francois Bertodi*, of the kingdom of *Persia*, have petitioned the General Court that they may be naturalized, and be thereby entitled to all the rights and privileges of free citizens of this Commonwealth :

*William Menzies and others, naturalized.*

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *William Menzies*, *Francois Bertodi*, *Paul Crocker*, and his aforesaid grand-children, (they the said *William Menzies*, *Paul Crocker* and *Francois Bertodi*, first severally paying to the Secretary such fees as may be by law required of them, and taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*) shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

Certificates of oaths to be returned.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the persons aforesaid may respectively take the oaths aforesaid, shall return a certificate of the same into the Secretary's office, to be entered on the records of the Commonwealth.

[This Act passed June 19, 1788.]

An ACT for incorporating a Number of the Inhabitants of the Town of *Groton*, in the County of *Middlesex*, of the Presbyterian Denomination, into a separate Parish.

**W**HEREAS a number of the inhabitants of the town of *Groton* have petitioned this Court to be incorporated, for the reasons expressed in their petition, and it appearing to this Court reasonable that the prayer be granted :

SECT.



SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Sheple, Jason Williams, Daniel Williams, Lemuel Blood, Moses Child, Amasa Gillson, David Hazen, Ezekiel Nutting, jun. Solomon Gillson, Thomas Gragg, Levi Lakin, David Lakin, Job Shattuck, jun. Isaac Lakin, Isaac Lakin, jun. Ezekiel Nutting, Benjamin Lawrence, Andrew Dodge, Samuel Gragg, Caleb A. Willard, Oliver Fletcher, John Nutting, Amos Woods, Levi Parker, Silas Blood, Oliver Patch, John Lawrence, John Gragg, Jonathan Pratt, Oliver Lakin, Benjamin Hazen, Nehemiah Gillson, John Hazen, Nathaniel Green, Jonas Green, John Woods, Jacob Lakin Parker, Oliver Fletcher, jun. Jacob Gragg, James Sheple, Wilder Sheple, John Trowbridge, Isaac Lawrence, Elisha Hoyt, Thomas Trowbridge, John Johnson, Simeon Williams, Ezra Farnsworth, Royal Blood, James Woods, Ebenezer Stacy, Sadoc Fletcher, Jonathan Sheple, Nathaniel Sartell, Thomas Nutting, Oliver Lakin, jun. Salmon Lawrence and Benjamin Parker, petitioners and inhabitants of the said town of Groton, together with their polls and estates, be, and hereby are incorporated into a separate parish or society by the name of the Presbyterian Parish or Society in the said town of Groton, with all the privileges, powers and immunities, which other parishes in this Commonwealth are entitled to by law; they the said parish or society making provision for, and maintaining the public worship of God in the said parish or society according to the Presbyterian rules and discipline.*

Separate parish  
incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid, That when any person or persons in either parish of the said town of Groton shall be inclined to join with his or their families to the other parish in said town, he or they shall have full liberty so to do: Provided he or they signify the same in writing, lodged with the Town Clerk three months before he or they and their estates shall be considered as belonging to said parish as aforesaid.*

Any person at  
liberty to join  
with the other  
parish, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That the members of each respective parish and their families shall be deemed and considered as continuing members of their respective parishes until they shall signify their determination to the contrary, in manner as above expressed.*

SECT. 4. *And be it further enacted by the authority aforesaid, That Israel Hobart, Esq. be, and hereby is authorized to issue his warrant, directed to some principal member of the said Presbyterian Parish or Society, requiring him to warn the members of the said parish or society, qualified to vote in parish affairs, to assemble at some suitable time and place in the said town, to choose such officers as parishes are by law required to choose in the month of March or April annually, and to transact all matters and things necessary to be done in the said parish.*

Israel Hobart,  
Esq. to call a  
meeting.

[This Act passed November 19, 1788.]

An

An ACT to incorporate the Plantation known by the Name of *Walpole*, in the County of *Lincoln*, into a Town by the Name of *Nobleborough*.

Boundaries incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation called Walpole, in the county of Lincoln, as described in the following boundaries, viz. Beginning at a place called Brown's Cove, on the easterly side of Damascotta River, adjoining on the town of Bristol, north line; thence running an east course by said Bristol line, eleven hundred and twenty poles, to a stake and stones on the westerly side of Pamaquid Pond; thence north twenty degrees east four hundred poles up said pond, to the mouth of Duck-puddle Brook, so called; thence north eleven degrees east, nine hundred poles to a pine tree at the head of Duck-puddle Pond, marked on four sides; thence north three hundred and sixty poles to a pine tree marked on four sides; thence north twenty-two degrees and thirty minutes east, twelve hundred and eighty poles to a pine tree, standing at the head of Mordy's Meadow, so called; thence west-north-west, seven hundred and sixty poles to a pine tree marked on four sides, standing on the east side of Damascotta Pond; thence southerly and easterly by said Damascotta Pond and River, to the first mentioned bounds, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of Nobleborough, with all the powers, privileges and immunities, which other towns in this Commonwealth do or may by law enjoy.*

Thomas Rice, Esq. to call a meeting.

SECT. 2. *And be it further enacted, That Thomas Rice, Esq. be, and he hereby is empowered and directed to issue his warrant, directed to some suitable inhabitant of said town, requiring him to notify the inhabitants of the said town of Nobleborough to assemble at such time and place as he shall appoint in the said warrant, and choose all such officers as towns are by law required and empowered to choose in the months of March or April annually.*

[This Act passed November 20, 1788.]

An ACT for confirming to *Nathaniel Gorham* and *Oliver Phelps*, Esquires, a certain Tract of Land, pursuant to a Contract made with them for that Purpose.

Preamble.

**W**HEREAS the Legislature of this Commonwealth, by their resolve of the first of *April* last, did agree to grant, sell and convey to the said *Nathaniel Gorham* and *Oliver*

*Oliver Phelps* all the right, title and demand, which the said Commonwealth has in and unto the said lands, ceded by the State of *New-York* to the said Commonwealth, by deed executed by their respective commissioners, at *Hartford*, the sixteenth day of *December*, in the year of our Lord one thousand seven hundred and eighty-six, upon the conditions in the said resolve expressed.

And whereas the said *Nathaniel Gorham* and *Oliver Phelps* have on their part performed the said agreement, and complied with the conditions of the said resolve. And whereas the said *Nathaniel Gorham* and *Oliver Phelps*, by virtue of authority derived from the aforesaid resolve, have, by deed from the sachems, chiefs and warriors of the Five Nations of Indians, bearing date the eighth day of *July* last, purchased the claims of the native Indians to the fee or right of soil in part only of the said lands, as contained within the descriptions of the said deed, hereafter inserted, which purchase appears to have been made under the superintendency prescribed, and in the manner intended by the aforesaid resolve.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and hereby is granted and confirmed unto *Nathaniel Gorham*, of *Charlestown*, in the county of *Middlesex*, Esquire, and *Oliver Phelps*, of *Granville*, in the county of *Hampshire*, Esquire, their heirs and assigns, all the right, title, claim and demand, which this Commonwealth has in and to the following tract of land, to wit, Beginning on the north boundary line of the State *Pennsylvania*, in the parallel of forty-two degrees north latitude, at a point distant eighty-two miles west from the north-east corner of *Pennsylvania*, on *Delaware River*, as the said boundary line has been run and marked by the commissioners of the States of *New-York* and *Pennsylvania* respectively, and from the said point or place of beginning running west upon the said line to a meridian, which will pass through that corner or point of land made by the confluence of the *Kanahsagwaicon Creek*, with the waters of the *Genesee River*, thence north along the said meridian to the corner or point last mentioned, thence northwardly along the waters of the said *Genesee River* to a point two miles north of *Kanawageras Village*, so called, thence running in a direction due west twelve miles, thence running in a direction northwardly so as to be twelve miles distant from the most westward bounds of the said *Genesee River* to the shore of the *Ontario Lake*, thence eastwardly along the shores the said lake to a meridian which will pass through the first point or place of beginning aforementioned, thence south along the said meridian to the first point or place of beginning aforesaid, being  
Tract of land granted and confirmed.  
Boundaries.  
such

such part of the whole tract purchased by the grantees as aforesaid as they have obtained a release of from the natives, together with all the appurtenances to the afore-described tract belonging : To have and to hold the same to them the said *Nathaniel Gorham* and *Oliver Phelps*, their heirs and assigns forever, as tenants in common and not as joint tenants.

[This Act passed *November 21, 1788.*]

Part of "An ACT for granting a Lottery for the Purpose of purchasing an Orrery, made by *Joseph Pope*, for the Use and Benefit of the University at *Cambridge*."

Preamble.

**W**HEREAS His Honor the Lieutenant-Governor, and several other persons of respectable characters, have petitioned this Court that an Act may pass, authorizing such managers as may be thereby appointed to raise by lottery a sum of money for the purpose of purchasing an Orrery made by *Joseph Pope* of *Boston*, for the use and benefit of the University at *Cambridge* : And whereas this Court are willing at all times to encourage the efforts of ingenuity, and to aid a plan which has the advancement of science and the public good for its object :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and there hereby is granted a lottery for raising a sum not exceeding *five hundred and fifty pounds*, the profits of which after payment of the necessary expenses of managing the same, shall be applied for the purpose of purchasing said Orrery for the use of the University at *Cambridge*, forever.

\* \* \* \* \*

Surplus money,  
how applied.

SECT. 4. *And be it further enacted,* That if the monies raised by virtue of this Act shall be more than sufficient to purchase the said Orrery, the surplus shall be paid by the managers to the Treasurer of the University at *Cambridge*, to be applied to the use of the said University.

[This Act passed *November 21, 1788.*]

An ACT for naturalizing *Elisba Bourn*, and others, therein named.

Preamble.

**W**HEREAS Messrs. *Elisba Bourn*, *Seth Perry* and *Edward Bourn*, late subjects of *Great-Britain*, but now residents in the town of *Sandwich* in this Commonwealth ; also *Richard Devereaux*, late of the Kingdom of *Ireland*, now resident in the town of *Parsonsfield* in this Commonwealth ; also *William Jolly*, late of *St. Pierre* in the island of *Martino*, and a subject of the king of *France*, now resident in the town

town of *Portland* in this Commonwealth ; also *Jeremiah Joakim Khaler*, late a subject of the king of *Denmark*, now resident in the town of *Boston* in this Commonwealth ; also *Phillip Theobald*, of *Hesse Hanau* in *Germany*, now resident in *Pownalborough* in this Commonwealth ; also *John de Polerisky*, late of *Molsheim* in *Alsatia* in the Kingdom of *France*, now resident in *Pownalborough* in this Commonwealth ; have all petitioned this Court to be naturalized, and have produced proper testimonials in their favour :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Elisha Bourn, Seth Perry, Edward Bourn, Richard Devereaux, William Jolly, Jeremiah Joakim Khaler, Phillip Theobald* and *John de Polerisky*, upon their taking the oath of allegiance to this Commonwealth before two Justices of the Peace, and paying to the Secretary the fee in such case required, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born citizens.

SECT. 2. *And be it further enacted,* That the Justices before whom the said *Elisha Bourn, Seth Perry, Edward Bourn, Richard Devereaux, William Jolly, Jeremiah Joakim Khaler, Phillip Theobald* and *John de Polerisky*, may respectively take the oath aforesaid, shall return a certificate thereof into the Secretary's office, to be entered on the records of this Commonwealth.

[This Act passed November 21, 1788.]

An ACT in addition to, and for repealing and amending a certain Part of an Act passed the twenty-first Day of *March*, One thousand seven hundred and eighty-eight, entitled, "An Act for incorporating the Plantation of *New Worcester*, so called, or *Number Nine*, in the County of *Lincoln*, into a Town by the Name of *Orrington*."

WHEREAS *Moses Knapp* and his associates, who purchased of the government a tract of land in the year one thousand seven hundred and eighty-five, containing upwards of twenty-seven thousand acres, which is now included in the Act incorporating the said town of *Orrington*, have prayed that the said Act of incorporation may be so far repealed, as that they with their lands may not be included in or be held to be a part of, or pay any part of the charges of the said town of *Orrington* : And whereas *John Brewer*, Esq. agent for the inhabitants of that part of the said town which adjoins the river *Penobscot*, has contented to the exemption prayed for :

*Be*

Enacting clause

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Moses Knap and his associates, who purchased of the government as aforesaid, and by the aforesaid Act are made a part of the town of Orrington, be and are hereby exempted from paying any taxes now laid on them, or which shall be laid on them by the said town of Orrington, for the term of seven years from the passing of this Act.*

[This Act passed November 22, 1788.]

An ACT for setting off *Isaac Moffitt* and others, from the Town of *Charlton*, in the County of *Worcester*, and annexing them to the Town of *Oxford*, in the same County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Moffitt, Elijah Learned, and Ephraim Segars, of Charlton, in the county of Worcester, with their polls and estates, be, and they hereby are set off from the said town of Charlton, and annexed to the town of Oxford, in the same county, and shall forever hereafter be considered as belonging to, and making part of the said town of Oxford, there to do duty and receive privileges equal to other inhabitants in said town.*

Proviso.

SECT. 2. *Provided nevertheless, That the said Isaac Moffitt, Elijah Learned and Ephraim Segars, respectively, be held to pay all taxes already assessed on them by the said town of Charlton, in the same manner as they would have been if this Act had not passed.*

[This Act passed January 5, 1789.]

An ACT for incorporating the Township Number Four, on the East Side of *Penobscot River*, commonly called *Naskeeg*, in the County of *Lincoln*, into a Town by the Name of *Sedgwick*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, described and bounded as followeth, viz. Beginning at the head of Eggimoggin Reach, so called, on the dividing line between Number Three and Number Four, and from thence running north-easterly, on the easterly line of Number Three, until it meets the south-westerly corner of Number Five; thence by the south-westerly line of Number Five to Blue-hill Bay; thence by said bay and Eggimoggin Reach, to the first mentioned bounds, together with the*

Boundaries.

the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of *Sedgwick*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

SECT. 2. *And be it further enacted*, That *Gabriel Johnson*, Esq. is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Sedgwick*, directing him to notify the inhabitants of said town, to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose, at their annual meeting in the month of *March* or *April* annually.

[This Act passed *January 12, 1789.*]

An ACT to set off *John Dickinson* and others, from the Town of *Hadley*, in the County of *Hampshire*, and to annex them to the Town of *Amherst*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Dickinson, Nehemiah Dickinson, Simeon Dickinson*, and *Silas Wright*, with their lands, consisting of two pieces, and containing about seventy acres, the first piece bounded easterly on *Amherst* line, so called, northerly on *Leverett* and *Sunderland* line, westerly on a town-way, and southerly partly on lands of *Reuben Ingram*, and partly on lands of *Oliver Dickinson*; the second piece now owned by *Silas Wright*, containing about fifteen acres, bounded as follows, *viz.* Easterly on the county road, leading from *Amherst* aforesaid, to *Sunderland*, northerly on lands of *Reuben Ingram* aforesaid, and westerly on the aforesaid town-way, with the dwelling-houses, and other buildings thereon, be, and they hereby are set off from the town of *Hadley*, and annexed to the town of *Amherst*, and shall forever hereafter be considered as making part of the same.

SECT. 2. *Provided nevertheless*, That the several persons above-named, shall be still holden to pay their proportionable part of all taxes which are already assessed or granted by the said town of *Hadley*, in like manner as though this Act had not been made, and shall also pay their proportionable part of all public taxes, that shall be laid on the town of *Hadley*, previous to another general valuation being made.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the bridge over the river, commonly called the Mill River, in the county road leading through *Amherst* aforesaid, to *Sunderland*, be, and it is hereby set off from the town of *Hadley*, and annexed to the town of *Amherst*.

[This Act passed *January 15, 1789.*]

An

An ACT for incorporating certain Persons therein named, by the Name of the Trustees of the Grammar School in the Easterly Part of the Town of *Roxbury*, and for repealing all the Laws heretofore made for that Purpose.

Preamble.

**W**HEREAS the education of youth has always been considered by the wise and virtuous as an object of the highest importance to the safety and happiness of a free people ; and whereas *Thomas Bell*, late of *London*, by his last will and testament, bearing date the twenty-ninth day of *January*, in the year of our Lord one thousand six hundred and seventy-one, gave certain lands and tenements therein mentioned, in the words following, that is to say, “ I give unto Mr. *John Eliot*, minister of the church of Christ in *Roxbury*, in *New-England*, and Captain *Isaac Johnson*, and to one such other like godly person, now bearing office in the said church, and their successors, the minister and other such two head officers of the said church of *Roxbury* as the whole church there, from time to time, shall best approve of successively from time to time, forever ; all my messuages or tenements, lands and hereditaments, with their and every of their appurtenances, situate, lying and being at *Roxbury*, in *New-England* aforesaid, in parts beyond the seas ; to have and to hold to the said minister and officers of the said church of *Roxbury*, for the time being, and their successors from time to time forever, in trust only, notwithstanding, to and for the maintenance of a school-master and free school for the teaching and instructing of poor men’s children at *Roxbury* aforesaid, forever, and to be for no other use, intent or purpose whatever.” And whereas several other persons have heretofore bequeathed certain other lands and monies, to be applied to and for the purposes aforesaid, to be under the direction of certain Trustees, to be duly chosen for those purposes ; all which devises and donations have been ratified and confirmed by several Acts of the Legislature of this (then Province) now Commonwealth of *Massachusetts* : And whereas the said Acts are found to be inadequate to the regular carrying on of the affairs of the said School, and a number of the inhabitants of the said town of *Roxbury* have petitioned this Court that an Act of incorporation may be passed, to incorporate a competent number of persons, for the purpose of carrying into effect the benevolent designs of the said *Thomas Bell* and others :

Former laws  
repealed.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws, heretofore made, ratifying and confirming*



firming the doings relative to the Free School in the easterly part of the town of *Roxbury* aforesaid, so far as the same are inconsistent with this Act, be, and they are hereby repealed and rendered null and void.

SECT. 2. *Provided always*, That the persons who act as Trustees of the estate of the said *Thomas Bell*, and the persons who act as Feoffees of said donations, shall have, respectively, full right in law to demand and receive all rents and incomes, or any arrearages thereof; or other sums of money, which, from any persons whatever, in consequence of any leases, contracts or bargains made with said Trustees or Feoffees, are or may become due : And *Provided also*, That the said Trustees and Feoffees respectively shall be held to liquidate and settle all their accounts with, and to pay over all monies which they have received or shall in their said capacities respectively receive, unto the Trustees of said School appointed by this Act, or hereafter to be chosen in pursuance thereof. Proviso.  
Further Provi-  
so.

SECT. 3. *Be it further enacted by the authority aforesaid*, That the Hon. *John Lovell*, Esquire, *Nehemiah Munroe*, *James Mears*, Reverend *Eliphalet Porter*, Clerk, Hon. *Increase Sumner*, Esquire, *Samuel Sumner*, *Joseph Ruggles*, Esquire, *Thomas Williams*, Physician, and *Joseph Williams*, gentleman, be, and they are hereby nominated and appointed TRUSTEES OF THE GRAMMAR SCHOOL in the easterly part of the town of *Roxbury*, and they are hereby incorporated into a body politic and corporate, by that name ; and the said Trustees and their successors, to be chosen and appointed in the manner herein after prescribed, shall be and continue a body politic and corporate, by the same name, forever. Trustees ap-  
pointed and in-  
corporated.

SECT. 4. *Be it further enacted by the authority aforesaid*, That all the lands, buildings and other property whatsoever, which have heretofore been given by the said *Thomas Bell* and others to the said Trustees and Feoffees, for the purpose of supporting the said Free School, and all other estate, interest, claim or demand whatsoever, belonging to said School, or which are held in trust therefor, be, and they are hereby confirmed to the said *John Lovell*, *Nehemiah Munroe*, *James Mears*, *Eliphalet Porter*, *Increase Sumner*, *Samuel Sumner*, *Joseph Ruggles*, *Thomas Williams* and *Joseph Williams*, and to their successors as Trustees of the said School, forever, for the uses, intents and purposes, and upon the trusts, which in the said last will and testament of the said *Thomas Bell*, and in the donations aforesaid, are intended ; and the Trustees aforesaid, their successors and the officers that may be appointed in pursuance of this Act, are hereby required in conducting the concerns of the said School, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said *Thomas Bell* and others. Lands, &c.  
heretofore giv-  
en, confirmed  
to the said  
Trustees.

SECT.

Trustees to have one common seal, and may sue and be sued.

SECT. 5. *Be it enacted by the authority aforesaid,* That the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of the said School; and they shall have power and authority, from time to time, to change, alter or renew the same at pleasure; and they may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Grammar School in the easterly part of the town of *Roxbury*, as aforesaid.

Trustees shall be the true and sole visitors and governors, and may elect a President and other officers, make by-laws, &c.

SECT. 6. *Be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall be the true and sole Visitors, Trustees and Governors of the said School, in perpetual succession forever, to be continued in the way and manner hereinafter pointed out, with full power and authority to elect by ballot, a President, Secretary, Treasurer, and such other officers as they shall judge necessary and convenient, and to make and ordain such by-laws, rules and orders, for the good order and government of the said School, from time to time, as to them the said Trustees and their successors shall, according to the various occasions and circumstances thereof, appear most fit and requisite, either with or without penalties, all which shall be observed by the officers, scholars and servants of the said School.

Provido.

SECT. 7. *Provided always,* That the said by-laws, rules and orders are not repugnant to the Constitution and laws of this Commonwealth.

Number of Trustees limited.

SECT. 8. *Be it further enacted by the authority aforesaid,* That the number of the said Trustees shall not at any one time consist of more than thirteen nor less than nine, five of whom shall constitute a quorum for transacting business, and a major part of the members present at any stated meeting thereof, shall decide all questions that may properly come before them.

And to perpetuate the succession of the said Trustees,

Mode of perpetuating the succession.

SECT. 9. *Be it further enacted by the authority aforesaid,* That as often as one or more of the said Trustees shall die, resign, remove, or in the judgment of the major part of the said Trustees for the time being, be rendered by age, infirmity, or otherwise incapable of discharging the duties of his office, then and so often the remaining part of the Trustees then surviving, or the major part of them, at some stated meeting, shall elect by ballot one or more persons, being reputable freeholders in the town of *Roxbury* aforesaid, to supply such vacancy or vacancies:

Provido.

SECT. 10. *Provided always,* That the minister and the two oldest deacons of the first Church of Christ in the said town of *Roxbury*, shall always, by virtue of their said offices, be members of the said corporation.

SECT.

SECT. 11. *Be it further enacted by the authority aforesaid,* Trustees rendered capable in law, to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real or personal, provided that the annual income of such real estate shall not exceed the sum of *one hundred and fifty pounds*, and the annual income of such personal estate shall not exceed the sum of *one hundred and fifty pounds*, (both sums to be estimated in silver at the rate of *six shillings and eight pence* by the ounce) to have and to hold the same to the said Trustees and to their successors in that office, on such terms and under such provisions and limitations as may be expressed in any deed or instrument of conveyance to them made: *Provided always*, That neither the said Trustees nor their successors shall ever hereafter receive any grant or donation, the condition whereof shall require them or any others concerned to act, in any respect, contrary to the design expressed in the last will and testament of the said *Thomas Bell*, or any donation heretofore made. And all deeds and instruments which the said Trustees may lawfully make in their said capacity, as aforesaid, shall, when made in their name, signed and delivered by their Treasurer, and sealed with their common seal, be binding on the said Trustees and their successors, and be valid in law.

SECT. 12. *Be it further enacted by the authority aforesaid,* Meetings shall be held annually for the choice of officers. That there shall be held a meeting of the said Trustees as soon as conveniently may be after the passing of this Act, and afterwards once in every year at least, on some day to be stated by the said Trustees annually, forever; at which meetings the major part of the said Trustees present shall proceed to elect a President, Secretary, Treasurer, and such other officers as they shall deem meet, who shall continue in office for the term of one year, or until others shall be chosen in their room; and the said officers shall be under oath faithfully and impartially to discharge all the duties of their said offices, during the time for which they shall be elected, and until others shall be chosen and sworn in their stead. And there shall be three quarterly meetings of the said Trustees, besides the said annual meeting, to be held on such days as shall be prescribed by the regulations or orders of the said Trustees, at either of which meetings any business relative to the government and well ordering of the affairs of the said School may be transacted, and vacancies filled up, if necessary: *Provided however*, That no vacancy in the office of Trustee shall be filled up at any meeting of said Trustees, unless previous notice shall have been given by the Secretary to each of the Trustees, that such vacancy exists, and is intended to be filled up at such meeting; which notice the said Secretary is directed to give at the application of either of the Trustees.

And

And that the state of the finances of said School may be known from time to time,

**SECT. 13.** *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants of the said town of *Roxbury*, at any legal meeting thereof, not exceeding once in any one year, to call on the said Trustees for a state of their general accounts, at the then last audit thereof, and it shall be the duty of the Trustees aforesaid or some one of their officers, for the time being, to exhibit an attested copy of such statement accordingly.

**SECT. 14.** *Be it further enacted by the authority aforesaid,* That *Thomas Clarke*, Esquire, be, and he is hereby authorized and directed to determine the time and place for holding the first meeting of the said Trustees, and to certify them respectively thereof, ten days at the least previous to the holding the same.

[This Act passed January 21, 1789.]

Additional  
Acts, June 19,  
1793. June 16,  
1796.

An ACT to set off to the Patentees, and other Purchasers, certain Lands on the Island of *Chapequiddick*, in the County of *Dukes County*, and finally to adjust and determine all disputes between the said Patentees and other Purchasers, and the *Indians* on the said Island, and to prevent Cattle, Horses, Sheep, Goats and Swine from going at large, on the said Island, at certain Seasons of the Year.

Preamble.

**W**HEREAS certain disputes and differences have arisen between the patentees and other purchasers of lands on the island of *Chapequiddick*, in the county of *Dukes County*, and the *Indians* inhabiting the said island; and whereas in consequence of said disputes and differences an application was made to the General Court of this Commonwealth, and the said General Court did, on the twelfth day of *November*, in the year of our Lord one thousand seven hundred and eighty-five, resolve, that *Walter Spooner*, *Solomon Freeman*, and *Shearjashub Bourne*, Esquires, be a committee to repair to the Island of *Chapequiddick*, (they previously giving twenty days notice to said proprietors and the *Indians* on said island) to set off to the patentees and other purchasers, such quantity of lands by metes and bounds, as to said committee, in equity, (all circumstances considered,) may appear just and reasonable, in full of their respective rights and purchases, and for ascertaining what sum or sums of money the other inhabitants ought to pay the *Indians*, for the privilege of mowing the salt meadow and grazing cattle thereon, and to take into consideration and determine upon such other matters as shall appear to them just and reasonable :

able : finally, to adjust all disputes, and report their doings to the General Court for confirmation, as soon as may be : And also to report what measures are necessary to be taken to prevent any cattle, horses, sheep, goats, or swine from going at large on the said island, from the tenth day of *April* to the thirtieth day of *October* annually ; and also to prevent any wood being sold or transported from off the Indian lands on said island, on any pretence whatsoever : And whereas the said committee have reported to this Court, after a due and full hearing of the parties, their proceedings and opinion respecting the matters and things committed to them, as aforesaid, and as this Court are willing to confirm and ratify their doings, so as finally to determine and put an end to the said disputes :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line hereinafter described be taken and held forever hereafter as a divisional line or boundary between the patentees or other purchasers of lands on the said island of Chapequiddick, and the Indians inhabiting said island, viz. Beginning at a heap of stones on the bank of the harbour, which heap of stones is by the east side of the land, formerly owned by Thomas Arey ; thence extending south sixty-seven degrees east, in the said Arey's line until it comes to a heap of stones on the brow of a hill, and about thirty rods to the westward and northward of a well or spring of water, known by the name of Joel's Well ; from thence extending north seventy-five degrees east, to a heap of stones lying on the easterly side of land belonging to Joseph Huxford, and about seven rods to the northward of a swamp near the said Huxford's dwelling house ; thence running south seventy-six degrees east, fifty-one rods to a white oak tree, marked with stones about it, standing about two rods northward of a hole of water ; from thence running south seventy-nine degrees east, twenty-seven rods to a stake with stones about it, standing on the brow of a hill, and about three rods to the northward of a hole of water ; from thence running south sixty-one degrees east, twenty-eight rods to a walnut tree marked, standing two rods to the eastward of the easterly corner of a swamp ; thence running south fifty-one degrees east, sixty rods to a heap of stones lying on the edge of a ditch, by the lands hereinafter set off to the Indians, and then to continue south fifty-six degrees east, by the said Indians' land, to the easterly side thereof.*

Division line  
between Pa-  
tentees and In-  
dians.

SECT. 2. *Provided always, and be it hereby enacted, That the said Indians or their descendants shall never be held or obliged to make, maintain or repair any fence, fences or parts of fences on the line or lines so made and established as aforesaid, or on any other lines made and established by this Act, but*

Patentees and  
other purchas-  
ers, to be at the  
sole charge of  
making and re-  
pairing the di-  
visional fence.

that

that the said patentees and other purchasers shall be at the sole and whole charge and expense of making, maintaining and repairing the said divisional fence and fences, any law to the contrary notwithstanding.

Public roads to remain open.

SECT. 3. *And be it enacted*, That a road or way, two rods wide, from the bounds first beforementioned, by the harbour, unto the easterly side of the said Indians' land, and adjoining on the north-easterly side of the line aforesaid, and also a road or way two rods wide from the bounds first beforementioned, westerly to the point of land or beach near the town, as now used and improved, shall be and remain forever hereafter open and public roads or highways, for all and every person and persons to pass and repass at their pleasure.

Privilege of fishing, fowling, &c. allowed the Indians.

SECT. 4. *And be it further enacted*, That the said Indians and their descendants, forever hereafter, shall have and enjoy the full and free privilege and liberty to pass and repass for the purposes of fishing, fowling and gathering beach and wapochqua gras, to and from any and every part of the said island, without any let, hindrance or molestation whatsoever.

A certain tract of meadow and upland set off and confirmed to the Indians.

SECT. 5. *And be it further enacted by the authority aforesaid*, That a certain tract of meadow and upland, excepting twenty-two acres of land with the buildings thereon, in the said tract, which *Abijah Merchant* purchased of *Israel Cognebau*, deceased, late sachem of the said Indians, and excepting thirty-five acres of land adjoining to, and on the westerly side of the land belonging unto the said *Merchant*, which by a resolve of the General Court of this Commonwealth, dated *June* the eighth, in the year of our Lord one thousand seven hundred and eighty-six, is to be sold for discharging of the several debts against the said *Israel*, and excepting also a way by gates or bars on the cliff to the way laid out by *Arey's* land, which tract is included in the following bounds, viz. Beginning at a heap of stones standing on the bank where the road began as beforementioned, then running south-easterly as the road runs, until it comes to the heap of stones lying on the edge of a ditch before mentioned, then from the said stones, by the edge of the said ditch, south thirty-seven degrees west, ninety rods to a heap of stones at the west corner of the land now set off to the Indians; then south sixty-two degrees east, eighty-six rods to a small, sharp, flinty rock, about twelve rods to the southward of a round swamp, which is the south bounds of the land set off to the said Indians; then north from the said rock, thirty-eight degrees east, one hundred and twenty-two rods to a heap of stones on the side of a sharp hill about twelve rods to the southward of the dwelling-house of *George Johnson*, tanner; thence running north fifty degrees east, forty rods to a heap of stones lying about one rod to the eastward of a well hole by the

Boundaries.

the corner of the saltmarsh; thence north forty-five degrees east, thirty-one rods, to a heap of stones on the edge of the bank by *Cape-poge Pond*, so called; and so to continue to said pond, at a place fifty-two rods to the eastward of a point called *Quahog Point*, being all the meadow and other land lying to the northward and eastward of the said lines, be, and hereby is set off and confirmed to the said Indians.

SECT. 6. *And be it further enacted*, That a certain tract of wood-land lying and being on the said island, bounded as follows, viz. Beginning at the westerly side of *Benjamin Pease*, junior's land, and where it adjoins a way or path called *Pocha Path*, then running westerly by the said path, until it comes to the land of *Benjamin Natick*, *Patience Dutch* and others; then north thirty-four degrees west, one hundred and fourteen rods by the said *Natick* and others' land, to the north-east corner of the said *Benjamin Natick's* land; then running north forty-four degrees west, sixty rods to a heap of stones; then north sixty-nine degrees east, about one hundred and ten rods to a heap of stones by the land of *David Norton*; then south sixty-eight degrees east, by said *Norton's* land, about sixty rods to the land of the said *Benjamin Pease*, jun.; then south thirty-six degrees west, by the said *Pease's* land, forty-six rods to *Pease's* corner; then south forty-three degrees east, fifty-six rods; then south forty-nine degrees east, by the land of the said *Pease*, fifty-six rods until it comes to *Pocha Path* or way first mentioned, be, and hereby is set off and confirmed to the said Indians. This and the tract of land described in the last before enacting clause, to have and to hold, to them the said Indians and their descendants forever, as tenants in common, but not subject as other lands held by tenants in common are, to any division or divisions to be had or made between them or any of them; any law to the contrary in any wise notwithstanding.

SECT. 7. *And be it enacted*, That all the wood on the said last mentioned tract of land, be and shall remain to and for the use of the said Indians forever; and that no person or persons whatever, shall at any time hereafter, sell or transport any of the said wood off the said island on any pretence whatsoever; and any and every person whosoever, who shall at any time hereafter, sell or transport any of the said wood off the said island, and every person other than the said Indians, who shall use or consume any of the said wood, shall forfeit and pay triple the value of such wood so sold, used, consumed or transported off the said island, to any person who shall prosecute and sue for the same.

SECT. 8. *And be it further enacted*, That there be and hereby is laid out on the said island, a way two rods wide, through gates

gates or bars, beginning at an old path, about fifteen rods to the westward of the dwelling-house of *Simon Porredge*, by the southerly line of the lands set off to the Indians, and then southerly on a straight line by the land of *Benjamin Pease*, jun. to a path or way called *Pocha Path*, and so to continue in the said *Pocha Path*, to the wood-land set off to the said Indians, and then through the said wood-land, where there is now a way used, to the way laid out to the harbour or swimming place so called, to be kept forever free, for any and every person to pass and repass at their own pleasure, through said gates or bars.

LANDS & DWELLING-HOUSES SET OFF AND CONFIRMED. SECT. 9. *And be it further enacted by the authority aforesaid,* That all the lands and dwelling-houses, on the westerly side of the said island, now in the occupation and improvement of any Indian or Indians, be, and they hereby are set off and confirmed to such Indian or Indians, as now occupy and improve the same respectively, to have and to hold to them during their natural life and no longer; excepting a certain tract of land, now in the occupation and improvement of *Patience Dutch*, which same tract of land is hereby set off and confirmed to the said *Patience Dutch*, to hold to her and her heirs forever.

LANDS CONFIRMED TO THE PATENTEES AND OTHER PURCHASERS. SECT. 10. *And be it further enacted,* That all the rest and residue of meadows and lands, on the said island of *Chapequiddick*, not herein before set off and confirmed to the said Indians, or set off and appropriated for roads and ways, be, and they hereby are set off and confirmed unto the said patentees and other purchasers, to have and to hold the same to them, their heirs and assigns forever in severalty, according to the proportion and division made, and subscribed by the committee of the said patentees and other purchasers, chosen and appointed for that purpose, on the twenty-second day of *April*, in the year of our Lord one thousand seven hundred and eighty-six; which said division and proportion is hereby ratified and confirmed.

And whereas within the boundaries of the lands set off to the said Indians, there are several tracts of salt meadow, heretofore improved by some of the said patentees and other purchasers, for which they have paid considerable sums of money, and which will be a loss to the particular proprietors if not provided against:

LOSSES AND EXPENSES, TO BE ESTIMATED AND AVERAGED. SECT. 11. *Be it therefore enacted by the authority aforesaid,* That the true value of such losses be estimated and averaged among all the said patentees and other purchasers, and that each bear a just and equal proportion of such losses, as well as an equal and just proportion of all expenses which have been incurred in settling the said disputes, since the first day of *April*, in the year of our Lord, one thousand seven hundred and



and eighty-six ; the losses, cost and expenses to be ascertained, estimated and proportioned by the said patentees and other purchasers, at a meeting to be called for the purpose, as soon as may be after the passing this Act, and they are hereby authorized to have and to hold a meeting accordingly.

And whereas several suits at law have been originated, and are now pending in the Court of Common Pleas, in the said county of *Dukes County*, between the said patentees and other purchasers, and the said Indians, respecting the said lands, and the said committee have reported that the said suits should cease and be forever barred :

SECT. 12. *Be it therefore further enacted*, That all suits, causes and actions, now pending in the said Court of Common Pleas, respecting the lands on the said island, be dismissed, and the Justices of the said Court are hereby authorized and directed to dismiss the same accordingly.

Suits at law respecting said lands, to be dismissed.

SECT. 13. *And be it enacted*, That from and after the passing this Act, no action or actions, suit or suits at law whatever, respecting the said lands, shall be sustained or maintained in the said Court, other than such as may arise upon claims by and under the authority of this Act.

No suits, &c. shall be hereafter sustained.

SECT. 14. *And be it further enacted by the authority aforesaid*, That his Excellency the Governor, by and with the advice and consent of the Council be, and he hereby is empowered and requested to appoint two white persons and one Indian, as guardians, to have the care and oversight of the said Indians, and their interest on the said island.

Governor empowered to appoint guardians.

SECT. 15. *And be it enacted*, That all deeds of bargain, sale, release or quit-claim, or conveyances whatsoever, of any lands, tenements or hereditaments, as well for terms of years as forever, had, made, gotten, procured or obtained, excepting such as are allowed and confirmed by this Act, or which may at any time hereafter be had, made, gotten, procured and obtained from any Indian or Indians on the said island, by any person or persons whomsoever, without the license, approbation and allowance of all the guardians for the same, shall be deemed and adjudged in law to be null, void and of none effect.

Deeds, &c. made without the consent of guardians, deemed null and void.

SECT. 16. *And be it further enacted*, That from and after the publication of this Act, no bill, bond or other specialty, in writing, on any contract whatever, nor any book account, or any verbal contract or promise for payment of monies, shall be deemed good or be recoverable, against any of the said Indians inhabiting the said island, provided the same shall exceed the sum of *twenty shillings*, unless such bill, bond or specialty be entered into, or such verbal contract or promise be made, in the presence and by and with the consent and approbation of all the said three guardians, to be appointed as aforesaid.

Bills, bonds, or other contracts, exceeding 20s. made without the consent of the guardians, deemed null and void.

And

And whereas the turning out cattle, horses, sheep, goats and swine, to be and go at large on the said island, greatly damages the same ;

SECT. 17. *Be it therefore enacted by the authority aforesaid,* That after the passing of this Act, if any person or persons shall turn out any of his or their cattle, horses, sheep, goats or swine, or shall permit and suffer them to be and go at large on the said island, at any time between the twenty-fifth day of April, and the twenty-fifth day of October, yearly, he or they shall forfeit and pay for each offence, the penalty of *five shillings* for every horse, and each head of neat cattle ; and *one shilling* a head for each sheep, goat or swine, so going at large, which penalty shall be recovered by any person who shall sue for the same, in any Court proper to try such cause.

[This Act passed January 26, 1789.]

An ACT to incorporate the Plantation, known by the Name of *St. Georges*, in the County of *Lincoln*, into a Town by the Name of *Cushing*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation heretofore called *St. Georges*, in the county of *Lincoln*, as described in the following boundaries, viz. Beginning at the mouth of *Meduncook-River*, running up said river to the head of the tide, then north-by-east to *Waldoborough* line, then along said line to the south-west corner of *Warren*, then running easterly by *Warren* line to *St. George's River*, then crossing said river to the south-west corner of *Thomaston*, then east-south-east, by *Thomaston* line, to the sea-shore, then running south-westerly by the sea-shore, to *Herring-gut*, then running north-westerly, crossing *St. George's River*, to the first mentioned bounds, with the adjacent islands, together with the inhabitants, be, and they are hereby incorporated into a town, by the name of *Cushing*, with all the powers, privileges and immunities, which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted,* That *Waterman Thomas, Esq.* be, and hereby is empowered and directed to issue his warrant, directed to some suitable inhabitant of said town, requiring him to notify the inhabitants of the said town of *Cushing*, to assemble at such time and place as he shall appoint in the said warrant, to choose all such officers as towns are by law authorized to choose at their meeting in the month of *March* or *April* annually.

[This Act passed January 26, 1789.]

**An ACT for incorporating Long-Island Plantation, with the Islands adjacent, in the County of Lincoln, into a Town by the Name of Isleborough.**

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tracts of land described as follows, viz. Long Island, Seven Hundred Acre Island, Job's Island, and the Lime Islands, situated in Penobscot Bay, in the county of Lincoln, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Isleborough; and the inhabitants of said town of Isleborough are hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may by law enjoy.*

SECT. 2. *And be it further enacted, That Gabriel Jobbonot, Esq. be, and he hereby is empowered and directed to issue his warrant, directed to some principal inhabitant of the said town of Isleborough, requiring him to notify the inhabitants of the said town of Isleborough, to meet at such time and place as he shall appoint in the said warrant, to choose such officers as other towns are by law empowered to choose at their annual meeting in the month of March or April annually.*

[This Act passed January 28, 1789.]

**An ACT to incorporate a Plantation on the East Side of Penobscot River, in the County of Lincoln, called Township Number Five, or Blue Hill Bay, into a Town by the Name of Blue Hill.**

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land described and bounded as followeth, viz. Beginning at the north-easterly corner of Township Number Four, on Blue Hill Bay; thence running on the north-westerly line of Township Number Four, to the north-easterly line of Township Number Three; thence by the last mentioned line to the south-westerly corner of Township Number Six; thence by the south-easterly line of Township Number Six to Blue Hill Bay; thence by said bay to the bounds begun at, and including the island adjacent, known by the name of Long Island, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Blue Hill; and the inhabitants of said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.*

SECT.

Nicholas Holt,  
Esq. to call a  
meeting.

SECT. 2. *And be it further enacted, That Nicholas Holt, Esq. is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of Blue Hill, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meeting in the month of March or April annually.*

[This Act passed January 30, 1789.]

An ACT for incorporating *Deer Island Plantation, Little Deer Island, and the Isles of Holt, in the County of Lincoln, into a Town by the Name of Deer Isle.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tracts of land described and bounded as follows, viz. Deer Island plantation so called, Little Deer Island, and the Isles of Holt, situated in the county of Lincoln, with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Deer Isle; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.*

Gabriel John-  
not, Esq. to call  
a meeting.

SECT. 2. *And be it further enacted, That Gabriel Johnnot, Esq. is hereby empowered to issue his warrant, directed to some principal inhabitant of the said town of Deer Isle, directing him to notify the inhabitants of the said town of Deer Isle, to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meeting in the month of March or April annually.*

[This Act passed January 30, 1789.]

An ACT to ascertain the Boundary Line between  
*Templeton and Gerry.*

Preamble.

**W**HEREAS the towns of *Templeton and Gerry* have jointly petitioned the General Court, setting forth, that the dispute between them, respecting their boundary line, is amicably settled, and praying that their settlement may be established by law :

Dividing line.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the dividing line between Templeton and Gerry shall be as follows, viz. Beginning at a point where Hubbardson line crosseth the middle of Burnt Shirt Brook; thence running up said brook,*

brook, in the middle thereof, until it comes to the south line of the meadow lot number eighty-five, in *Templeton*, now owned by *Isaac Mirick*; thence turning to a stake and stones, on the west bank of said brook; thence running north seventy-eight degrees west, fourteen rods to a dead hemlock, with stones about it, which is the south-west corner of said meadow lot; thence north twenty-four degrees east, twenty rods to a stake and stones, an easterly corner of *Benjamin Gallops's* land; thence north twenty-seven degrees west, one hundred and forty-four rods, to a stake and stones, a corner of *Silas Sawyer's* land; thence north sixty-three degrees east, twenty-three rods, to a heap of stones on a rock, the easterly corner of said *Sawyer's* land; thence north twenty-seven degrees west, seventy-two rods, to a heap of stones on a ledge of rocks in the line between said *Sawyer's* and *Isaac Mirick's* lands; thence north thirty-two degrees west, two hundred and twelve rods, to a stake and stones, the north-west corner of the second division lot, number thirty-three; thence north fifty-eight degrees east, eighty-three rods, to a white pine tree, the south-east corner of *Samuel Lamb's* land; thence north thirty-two degrees west, five hundred and seventy-two rods, to a stake on the east bank of *New Brook*; thence down the middle of said brook to *Royalston* line. *Provided nevertheless*, That the farm of *James Caruth*, (being divided by said line) shall all be set to the town of *Gerry*, with his polls and estate.

Proviso.

SECT. 2. *And be it further enacted*, That that part of the lands of *Barzillai Lamb*, *Isaac Lamb*, *Josbua Lamb*, *John Patch*, *Alexander Partman Davis*, *Zachariah Symmes*, and *Charles Baker*, Esq. which lays on the east side of *New Brook*, shall be considered as part of and belonging to the said town of *Gerry*.

Certain lands considered as belonging to *Gerry*.

SECT. 3. *And be it further enacted*, That the lands of *Edmund Brigham*, *James Anderson*, *Jenathan Patch*, *Silas Church*, *Jotham Sawyer*, and *Josiah Wait*, which lay on the west side of said *New Brook*, shall belong to the town of *Templeton*, and also, that *Elias Sawyer*, living within the bounds of the said town of *Gerry*, with his polls and the estate he was possessed of, at the time of the incorporation of *Gerry*, shall remain and belong to the said town of *Templeton*.

Lands belonging to *Templeton*.

[This Act passed *January 30, 1789.*]

An ACT incorporating the Wardens and Vestry of Christ Church (so called) in *Boston*, for certain Purposes.

WHEREAS it hath frequently happened, that persons have occasionally occupied pews, in Christ Church in *Boston*, (not being owners of the same) and have neglected to pay

Preamble.

pay the rates or taxes which have been duly assessed thereon ; and whereas doubts have arisen whether the Wardens and Vestry of said Church, or any other persons, are legally invested with authority, for the purpose of suing for and recovering the same, as well as for certain other purposes hereinafter mentioned :

Wardens and Vestrymen, incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amos Windship and John Stoddard, Wardens, Samuel Nickelson, James Sherman, George Bright, Joseph Ballard, John Hooton, Charles Williams, Nathaniel Tidmarsh, John Bright, William Shaw, Joseph Cunningham, and Francis Butler, Vestrymen of said Church, and their successors in office, are, and shall be deemed so far a body corporate, as to sue for and recover taxes, which are now, or may be due upon pews as aforesaid, and all other debts due to the said Church, of whatever kind ; and also to sue and defend in all other actions, in which said Church may be concerned.*

Empowered to dispose of lands, &c.

SECT. 2. *And be it further enacted, That the Wardens and Vestry of the said Church, and their successors in office, be, and they are hereby empowered to make sale and dispose of any lands, tenements and hereditaments, belonging to the said Church, to such persons as shall purchase the same, in fee simple, forever, and to make and execute good and sufficient deeds in law of the same, and to lease or otherwise dispose of the same, in the name and behalf of said Church, as to them shall seem necessary, agreeably and in conformity to the votes of the Proprietors of said Church, excepting such lands and real estate as are and may be given on express condition that the income thereof shall be appropriated to the support of the poor.*

[This Act passed *January 30, 1789.*]

### An ACT for incorporating certain Persons by the Name of the Proprietors of the *Beverly Cotton-Manufactory.*

Preamble.

WHEREAS the promotion of useful manufactures, and particularly such as are carried on with materials of American produce within this Commonwealth, will tend to the happiness and welfare thereof, by increasing the agriculture and extending the commerce of the country ; and whereas John Cabot, George Cabot, Deborah Cabot, Andrew Cabot, Moses Brown, Joshua Fisher, Israel Thorndike, James Leonard, Thomas Somers, and Isaac Chapman, all of Beverly, and Henry Higginson, of Boston, have associated themselves for the purpose of establishing

establishing the manufacture of cotton and cotton and linen goods, and have been at considerable expence in promoting the said manufacture; and whereas they have petitioned the Legislature to incorporate them with such powers and privileges, as may enable them to prosecute the business aforesaid:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *John Cabot, George Cabot, Deborah Cabot, Andrew Cabot, Moses Brown, Joshua Eijber, Israel Thorndike, James Leonard, Thomas Somers, and Isaac Chapman,* all of *Beverly,* and *Henry Higginson,* of *Boston,* so long as they shall be proprietors in the said manufactory, together with all those who now are or shall become proprietors in the same, are hereby incorporated forever by the name of THE PROPRIETORS OF THE BEVERLY COTTON MANUFACTORY. Proprietors incorporated.

SECT. 2. *Provided nevertheless,* That any person who now is, or hereafter shall be by force of this Act, one of the said corporation, upon his ceasing to be a proprietor as aforesaid, shall cease to be a member thereof. Provide.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Corporation are hereby made capable in law, of holding, purchasing, possessing and enjoying, to the use of the several members of the said Corporation, and to their heirs and assigns, in the same proportion as they are severally interested in the said manufactory, real estate to the amount of *ten thousand pounds,* and personal estate to the amount of *eighty thousand pounds,* and also of selling, aliening or disposing of the same: *Provided however,* That the same be employed while the property of the said Corporation, in the manufacture of the articles aforesaid. Proprietors made capable in law of holding and possessing real and personal estate. Provide.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Corporation shall be capable in law of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of record and other places whatsoever, and shall have such officers and servants as they may hereafter appoint, and are hereby empowered to make and execute such laws and regulations as may be necessary for the government of the said Corporation, provided the same shall in no case be repugnant to the laws of this Commonwealth; and provided also, the penalty annexed to a breach of the said laws, shall in no case exceed the sum of *fifty pounds;* and shall have full power and authority to make and use a common seal, and the same at pleasure to break, alter and revoke; and in all proceedings of the said Corporation, the votes of the members shall be taken according to the real interest or number of shares which they respectively hold in the actual property of the said Corporation. Corporation made capable of suing and being sued.

SECT.

Goods manu-  
factured by said  
corporation,  
shall have a la-  
bel affixed to  
one end there-  
of.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all goods which may be manufactured by the said Corporation, shall have a label of lead affixed to one end thereof, which shall have the same impressiion with the seal of the said Corporation, and that if any person shall knowingly use a like seal or label with that used by said Corporation, by annexing the same to any cotton or cotton and linen goods, not manufactured by said Corporation, with a view of vending or disposing thereof, as the proper manufacture of the said Corporation, every person so offending shall forfeit and pay treble the value of such goods, to be sued for and recovered for the use of the said Corporation, by action of debt, in any court of record proper to try the same.

[This Act passed February 3, 1789.]

Additional Act,  
June 8, 1795.

An ACT to prevent Damage being done on the Salt Marshes in the Town of *Arundell*, in the County of *York*, by Horses, Sheep and Cattle, being suffered to run at large, on certain Beaches, Flats and Necks of Land, adjoining said Marshes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, it shall not be lawful for any of the inhabitants of the town of *Arundell*, or any other person or persons whosoever, to turn out to feed or let run at large, any neat cattle, sheep or horse kind, on the neck of land and the beach adjoining the same, known by the name of the *Pines*, lying between the rivers called *Batson River* and *Little River*, in the easterly part of said town, nor on a neck of land adjoining said *Batson's River*, on the south thereof, and known by the name of *Smith's Neck*; nor on any of the flats westerly of said neck, and known by the name of the *Back Cove*; nor on any of the marshes or beaches on a certain island in the said town, called *Palmer's* alias *Vaughan's Island*, from the first day of *April* until the last day of *November* annually; upon the penalty of *two shillings* per head, for all neat cattle and horse kind, and *six pence* per head for all sheep so turned out to feed or let run at large on the necks of land, beaches, flats or island aforesaid, to be recovered by any inhabitant of the said town of *Arundell*, before any Justice of the Peace for the county of *York*, by action of debt; and all such cattle, sheep or horse kind found feeding or running at large on said necks of land, beaches, flats or island, shall be liable to be

Penalty for suf-  
fering neat cat-  
tle, &c. to run  
at large.



be impounded in the town of *Arundell*, and immediate notice thereof shall be given to the owner or owners of such creatures if known, otherwise public notice thereof shall be given in writing, by posting up the same in some public place in said town, by the person impounding the same; and such creatures shall be relieved by the pound-keeper, with suitable meat and water while impounded; and if the owner or owners thereof appear to redeem his or her impounded creature or creatures, he, she or they shall pay the following fees, *viz. Two shillings* to the impounder, for each neat beast or horse kind, and *six pence* for each sheep so impounded, and to the pound-keeper, reasonable costs for relieving said creatures, besides his fees established by law. And if no owner appear to redeem such cattle, sheep or horse kind so impounded, within the space of four days, and to pay costs occasioned by impounding them, then and in every such case, the person impounding such creature or creatures, shall cause the same to be sold at public vendue, to pay the cost and charges arising thereby; public notice of the time and place of such sale to be given in said town of *Arundell*, forty-eight hours at least previous to such sale; and the overplus, if any there be, arising from such sale, shall be returned to the owner or owners of such creatures so sold, at any time within twelve months next after such sale, upon his or her demanding the same: but if no owner appear within the said twelve months, then the said overplus shall be, one half to the party impounding such creature or creatures, and the other half to the use of the poor of the town where such creatures shall have been impounded.

Such cattle, &c. may be impounded.

Pound keeper's fees.

If no owner appear such cattle may be sold.

SECT. 2. *Provided nevertheless*, That nothing in this Act shall be so construed as to hinder the owners of *Smith's Neck*, so called, from pasturing the same, in case they shall make a sufficient fence on their own part of said neck, and their part of such fence, where they adjoin to other proprietors of the marshes mentioned in this Act, and shall keep the same from time to time in good repair.

[This Act passed February 3, 1789.]

An ACT to set off *Jonathan Hardy* from the first Parish in the Town of *Bradford*, in the County of *Essex*, and to annex him to the second Parish in said Town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the abovesaid *Jonathan Hardy*, with his family, and the land he lives on, being about seventy-five acres, be, and hereby are set off from the first parish in *Bradford*, and annexed to the second parish in *Bradford*, and shall forever hereafter be considered as belonging thereto.

SECT.

SECT. 2. *Provided nevertheless*, That the said *Hardy* shall pay his proportionable part of all the taxes which are already assessed or levied on the said first parish, in like manner as though this Act had not passed.

[This Act passed February 9, 1789.]

An ACT for setting off *Joseph Perkins* and *Jacob Perkins* from the South Parish in *Malden*, and annexing them to the North Parish in said Town.

*BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Joseph Perkins* and *Jacob Perkins*, with their families, polls and estates, lying in the town of *Malden*, in the south parish of said town, be, and hereby are set off from the said south parish, and annexed to the north parish of said *Malden*, there to enjoy parish privileges, and to pay parish charges that may arise within the same, they to be subjected to the payment of all taxes that may be now due from them or their estates, to the south parish, in the same manner as though this Act had not been passed.

[This Act passed February 10, 1789.]

An ACT in Addition to an Act, passed in the Year of our Lord, One thousand seven hundred and eighty-one, entitled, An Act to incorporate certain Physicians, by the Name of The *Massachusetts Medical Society*.

Preamble.

**W**HEREAS some doubts have arisen with respect to the extent of the powers given to, and duties required of, the said Society, by the Act to which this is an addition, touching the examination of any candidates for the practice of physic and surgery, "who shall offer themselves therefor, respecting their skill in their profession," as well as with respect to the authority of the said Society to demand and receive a suitable compensation for their time, trouble and expense, in examining candidates, and for the letters testimonial, which by the said Act they are required to give to such as shall be approved :

For removing the said doubts,

Society to point out such medical instructions for candidates as they shall judge proper.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall be the duty of the said *Massachusetts Medical Society*, in order more effectually to answer the designs of their institution, from time to time to describe and point out such a medical instruction or education as they shall judge requisite for candidates for the practice of physic and surgery, previous

previous to their examination before them, or their officers appointed for said purpose, respecting their skill in their profession, and shall cause the same to be published in three newspapers, in three different counties within this Commonwealth: And every candidate examined and approved by the President and Fellows of the said Society, or such of their officers or Fellows as they shall appoint, shall be held to pay such reasonable fees of office as shall be established by the said Society, for the examination of candidates and letters testimonial in favour of such as shall be approbated; and the Treasurer of the said Society for the time being, shall have full power and authority to sue for and recover the same, in any Court proper to try the same.

SECT. 2. *And be it further enacted*, That the eighth enacting clause of the said incorporating Act, making the President or such other person or persons as shall be elected for the purpose of examining candidates, each and every of them, subject to a fine of *one hundred pounds*, in case of obstinate refusal to examine any candidate offering himself therefor, be and it is hereby repealed.

Part of a former act repealed.

SECT. 3. *And be it further enacted*, That from and after passing this Act, whenever the officers appointed for examining candidates for the practice of physic and surgery, shall obstinately and unreasonably refuse to examine such as may apply therefor, respecting their skill in their profession, the officers so refusing shall be subject to a fine not exceeding *one hundred pounds*, nor less than *twenty pounds*, to be sued for and recovered by the candidate injured, and to his own use, in any court within this Commonwealth proper to try the same.

Fine for obstinately refusing to examine candidates.

[This Act passed February 10, 1789.]

Part of "An ACT for granting a Lottery for the Purpose of erecting a suitable Building for the use of the Free School in *Williamstown*."

**W**HEREAS it appears that it would promote the education of youth to erect a suitable building for the accommodation of the free school in *Williamstown*, and the Trustees of said school have represented their inability to accomplish the same without the aid of the Legislature, and have requested that a Lottery may be granted for that purpose:

Preamble.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is granted a Lottery, for raising a sum not exceeding *twelve hundred pounds*, the profits of which, after paying the necessary expenses of managing the same, shall be applied for the purpose of erecting the aforesaid building.

Lottery granted.

[This Act passed February 11, 1789.]

An

An ACT in Addition to an Act, entitled, "An Act for erecting that Part of the Town of *Falmouth*, in the County of *Cumberland*, commonly called the Neck, into a Town by the Name of *Portland*."

Preamble.

WHEREAS in and by the aforesaid Act, the inhabitants of the town of *Portland* are obliged, from time to time, to amend and repair *Pride's* bridge over *Pesumscutt River*, and the Great Bridge over *Fore River*, so called, although the same be not within the limits of *Portland* aforesaid, but the Surveyors of Highways chosen by said town of *Portland* are not by said Act expressly authorized to remove incumbrances from the bridges aforesaid, and doubts have arisen whether such Surveyors are so authorized :

Surveyors empowered.

Therefore, *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That such persons as shall be chosen and qualified Surveyors of Highways, within the town of *Portland* aforesaid, according to an Act, entitled, "An Act making provision for the repair and amendment of highways," shall have power and authority to cut down, lop off and remove all incumbrances, matters or things, that shall any way straighten, hurt, hinder, or incommode the bridges aforesaid, or the passing over the same, in as full and ample a manner as though the same bridges were within the limits of *Portland* aforesaid ; any law to the contrary notwithstanding.

[This Act passed February 13, 1789.]

An ACT for the incorporating of certain Persons, for the Purpose of making, laying and maintaining a Boom across *Androscoggin River*, in the County of *Lincoln*.

Preamble.

WHEREAS it appears that the laying a boom across the river *Androscoggin*, in the county of *Lincoln*, from *Topsbam* side of said river, at *Ferry-point*, so called, to a rock called *Mason's rock*, about four rods from *Brunswick* shore, for the purpose of stopping and securing logs and other lumber, which is drifted down said river, would be of great public as well as private advantage :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Thompson, Esq. Ezekiel Thompson, Benjamin Thompson, Stephen Furrington, Thomas Thompson, James Furrington, James Wilson, Humphry Thompson, and James Thompson,* together with such others as may hereafter become proprietors in said boom, be and hereby are constituted a corporation, for making, laying and maintaining a boom across the said river as aforesaid, so long as they shall continue proprietors of the fund

fund to be raised for that purpose, together with all those who are or shall become proprietors of said fund, shall be a body politic, under the name of "THE PROPRIETORS OF THE ANDROSCOGGIN BOOM," and by that name to sue and prosecute, and be sued and prosecuted to final judgment and execution, and to do and suffer all other matters and things, which bodies politic may or ought to do and suffer; and that said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Proprietors incorporated.

Their power and authority.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Samuel Thompson, Ezekiel Thompson, Benjamin Thompson, Stephen Purrington, Thomas Thompson, James Purrington, James Wilson, Humphry Thompson, and James Thompson, or any five of them, may, by an advertisement posted up at some public place, in all the towns in which said proprietors live, call a meeting of said proprietors, to be holden at some suitable time and place not less than fifteen days after the posting up said advertisement; and said proprietors, by a vote of the major part of the proprietors present, or represented at said meeting, shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office; and shall also agree upon a method for calling future meetings of said proprietors; and at the same or any subsequent meeting may make and establish any rules and regulations, that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purpose aforesaid, or for collecting the fees hereafter granted; and the same rules and regulations may cause to be kept and executed, or for breaches thereof may order and enjoin fines or penalties not exceeding *four pounds*. *Provided,* That the said rules and regulations are not repugnant to the laws or constitution of this Commonwealth; and the said proprietors may also choose and appoint any other officer or officers, in the said Corporation, which they may judge necessary; and all representations made at such meetings shall be made in writing, and signed by the person making the same, which shall be filed with, or recorded by the Clerk; and this Act, with all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

Proprietors may call a meeting.

Proprietors shall choose a Clerk, make by-laws, &c.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Corporation shall be entitled to and receive of the respective owner or owners of logs and other lumber by them stopp'd in said river, rafted and properly secured for the owner (except boards or other lumber cut at the mills, on the river above the said boom) the following respective fees, *viz.* For each mast, *four shillings*; for each log or logs, sufficient to make a thousand feet of boards, *two shillings*; for each boom, *four shillings*; for each bowsprit, *four shillings*; for each ton of oak

Fees for stop-ping lumber.

oak timber, *two shillings*; for each ton of pine timber, *one shilling and six pence*; for each hundred of ranging timber, *one shilling*; for each thousand of shingles, *eight pence*; for each thousand of staves, *one shilling*; for each thousand of clapboards, *one shilling*; and for any other kind of lumber, in the same proportion, according to the quantity: *Provided however*, That the fees aforesaid shall at all times hereafter be subject to the revision and alteration of the legislature.

Proviso.

Corporation  
empowered to  
retain lumber  
stopped, until  
payment of the  
fees.

SECT. 4. *And be it further enacted by the authority aforesaid*, That for the securing and recovering the payment of the said respective fees, it shall be lawful for the said Corporation, by their several agents and servants to be appointed as aforesaid, to hold and retain any logs or other lumber by them stopped in said river, rafted and properly secured for the owner as aforesaid, until payment, or tender of the said respective fees, which shall have thereby become due to the said Corporation. And it shall be the duty of the said Corporation, their agents and servants as aforesaid, on payment or tender of the said respective fees as aforesaid, to restore and acquit to the owner or owners claiming the same, and producing, if required, reasonable proof, of his, her or their property therein, of all such logs and other lumber which shall be at any time stopped and secured as aforesaid; and on failure thereof, the said Corporation shall forfeit and pay to such owner or owners double the value of such logs, or other lumber so unlawfully detained and converted as aforesaid, to be in lieu thereof, and to be recovered by the said owner or owners, by action to be brought and pursued before any Justice of the Peace, or other court within the said county, having jurisdiction of such suit.

If no owner ap-  
pear within six  
months, duty  
of the corpora-  
tion in such  
cases.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if within six months from the time of securing such logs, or other lumber, no owner or owners shall appear to claim and receive the same, paying fees as aforesaid, it shall be the duty of the said Corporation, their agents and servants as aforesaid, to publish and advertise, for the space of seven days at the least, at the towns lying on the said river, all such remaining logs and other lumber, describing the same as nearly as may be, with any marks appearing thereon. And if after the expiration of fourteen days from the time of posting such advertisements, no owner or owners shall appear as aforesaid, all such logs or other lumber shall be sold and disposed of at public vendue, for the most that can be obtained, and the proceeds of such sale shall be retained and held by the said Corporation for the space of one year thereafter; and any person or persons proving within that time their right in the said logs or other lumber, which have been so sold as aforesaid, shall be entitled to the overplus of such proceeds, after deducting the respective fees due for saving the same, together with all charges incurred by such advertisements and sale.

And

And if no owner or owners shall appear within that time, the said overplus shall be paid, one half into the treasury of the county of *Cumberland*, and the other half into the treasury of the county of *Lincoln*. *Provided nevertheless*, That the said Corporation shall lodge with one of the Town-Clerks of the said towns of *Topsham* and *Brunswic*, within ten days after such sale, a memorandum in writing of the said logs, or other lumber, describing the same as near as may be, and an account of the proceeds of the sale thereof, signed by the clerk, or one of the agents or officers of the said Corporation, for the time being.

[This Act passed February 14, 1789.]

An ACT for incorporating the north-easterly Part of the Town of *North-Yarmouth*, together with a Tract of Land, called *Prout's Gore*, in the County of *Cumberland*, into a separate Town, by the Name of *Freeport*.

SECT. I. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands hereafter described, viz. Beginning at the rear or back line of said town of *North-Yarmouth*, which divides said *North-Yarmouth* from the town of *New-Gloucester*, where the line between the *Two hundred and eighty acre Division*, and the *Four hundred and fifty acre Division*, intersects or strikes the said back line, thence running on said line between the *Two hundred and eighty acre Division*, and the *Four hundred and fifty acre Division*, in said *North-Yarmouth*, until it meets with the line called the *Old-Town line*, thence running westerly on said *Old-Town line*, till it meets or strikes the line dividing the *Hundred and twenty acre Division*, from the *Hundred acre Division*, on the east side of *Royal's River*, (so called) in said town, thence running on the last mentioned dividing line, and continuing that course till it strikes the channel of the eastern branch of *Cozen's River*, thence running down the channel of said eastern branch of *Cozen's River*, till it comes as near as may be to a certain point of land, called *Lane's Point*, thence running an east-south-east course, into the bay or sea; and that all the islands which may be intersected by the east-south-east line aforesaid shall belong to the town of *North-Yarmouth*, and that all the lands and islands on the north-easterly side of the above described line, which before the passing of this Act belonged to the town of *North-Yarmouth*, together with a tract of land known

Proviso.

Boundaries.

t

Freeport incor-  
porated.

by the name of *Prout's Gore*, laying between said *North-Yarmouth* and *Brunswick*, with all the inhabitants dwelling or residing on the land above described, be, and they are hereby incorporated into a town by the name of *Freeport*; and the said town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth are or may be entitled, agreeably to the constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted by the authority aforesaid,*  
To pay all ar- That the said town of *Freeport* shall pay all the arrears of  
rears of taxes, taxes, which have been assessed upon them, together with  
&c. their proportion of all debts that are now due from the said

To support  
their own poor.

town of *North-Yarmouth*, contracted for carrying on the war, or for any other purpose; and that all questions relating to property already existing shall be adjusted and settled in the same manner as if this Act had not been made; and that the town stock of military stores shall be estimated and divided in the same proportion that each town paid at the time of the purchase thereof. And that no pauper or paupers shall be sent from either of the aforesaid towns to the other, to be publicly supported after this incorporation, but each town shall support their own poor. And if any person or persons, heretofore belonging to the town of *North-Yarmouth* aforesaid, and having removed from thence, shall be returned thither again, and become a public charge, the same shall be paid by the two towns aforesaid, in proportion to the tax laid on them severally, from time to time.

Future taxes  
how assessed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all future taxes levied on the two towns aforesaid, previous to a new valuation, shall be assessed, three-fifths on *North-Yarmouth*, and two-fifths on the town of *Freeport*, until the further order of the General Court.

And whereas under the present mode of taxation, unimproved lands are subject to taxation: Therefore,

Clause respect-  
ing unimpro-  
ved lands.

SECT. 4. *Be it further enacted,* That any inhabitant or inhabitants, living in either of the towns aforesaid, and owning unimproved lands in the other town, upon his giving in his name, the number of his lot or lots, with the number of acres contained therein, to the clerk of the town, where the said lands doth lay, shall be taxed for the same, and be considered in law, as a resident proprietor in that town, in every respect relative to such tax or taxes.

SECT. 5. *And be it further enacted by the authority aforesaid,*  
Samuel Merrill, That *Samuel Merrill*, Esq. be, and he is hereby directed to  
Esq. to call a issue his warrant to some principal inhabitant of *Freeport*, re-  
meeting. quiring him to notify and warn the inhabitants of said town  
of



of *Freeport*, qualified by law to vote in town affairs, to meet at such time and place as therein shall be set forth, to choose all such officers as any of the towns within this Commonwealth by law have a right to elect, in the month of *March* or *April* annually; and the officers so chosen shall take the oath by law required to be taken.

[This Act passed *February 14, 1789.*]

An ACT for naturalizing *James Huyman* and others,  
therein named.

**W**HEREAS *James Huyman*, late of *Rotterdam*, now residing in *Boston*, *James Henry Laugier de Tassy*, late of the *Seven United Provinces*, now residing in *Boston*, *Samuel Weston*, late of the island of *Madeira*, now residing in *Boston*, *John Hicks* and *Fanny Hicks*, his daughter, now residing in *Boston*, *Frederick William Geyer*, now residing in *Boston*, *Charles Vaughan*, now residing in *Hallowell*, in the county of *Lincoln*, *William Davis*, late of *Great-Britain*, now residing in *Windsor*, in the county of *Berkshire*, *James Scobie*, late of *Scotland*, now residing in *Marblehead*, in the county of *Essex*, *Daniel Wright* and *Katy* his wife, late of *Great-Britain*, now residing in *Salem*, in the county of *Essex*, and *Nathaniel Chandler*, residing in *Peterstham*, have petitioned the General Court, that they may be naturalized, and be thereby entitled to all the rights and privileges of free citizens of this Commonwealth :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforementioned *James Huyman*, *James Henry Laugier de Tassy*, *Samuel Weston*, *John Hicks* and *Fanny Hicks*, his daughter, *Frederick William Geyer*, *Charles Vaughan*, *William Davis*, *James Scobie*, *Daniel Wright* and *Katy* his wife, and *Nathaniel Chandler*, (they the said *James Huyman*, *James Henry Laugier de Tassy*, *Samuel Weston*, *John Hicks*, *Frederick William Geyer*, *Charles Vaughan*, *William Davis*, *James Scobie*, *Daniel Wright*, and *Nathaniel Chandler*, first severally paying to the Secretary such fees as may be by law required of them, and taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, (*quorum unus*) shall be deemed, adjudged, and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

*James Huyman*  
and others, nat-  
uralized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the persons aforementioned may respectively take the oaths aforesaid, shall return a certificate of the same into the Secretary's office, to be entered on the records of the Commonwealth.

Certificates of  
oaths to be re-  
turned.

[This Act passed *February 14, 1789.*]

An

An ACT to empower the Inhabitants of the Town of *Portland*, belonging to the several Religious Societies within the same, to raise Money for defraying Ministerial and other Charges.

Preamble.

WHEREAS application hath been made to this Court, to enable the inhabitants of *Portland*, belonging to the several religious societies within the same, to raise money by levying taxes on the pews in their respective meeting-houses, and on the polls and estates of those who attend public worship with them, to defray the ministerial and other incidental charges, and that the inhabitants of said town may be exempted from paying towards the support of the ministry, other than taxes on pews at any other place than where they attend :

Proprietors of meeting-houses empowered to assess taxes on pews.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the several meeting-houses in the town of *Portland* be, and they are hereby empowered, to raise by an assessment or tax on the pews of the respective meeting-houses aforementioned, such sum or sums as shall be agreed upon by the proprietors, or the major part of such of them as shall be assembled at any legal meeting called for that purpose, for defraying the ministerial and other incidental charges, which meeting shall be warned agreeably to the provisions of an Act, entitled "An Act for the better managing lands, wharves, and other real estate lying in common."

Empowered to cause the pews to be valued.

SECT. 2. *And be it further enacted,* That the proprietors of the respective meeting-houses be, and hereby are empowered, to cause the pews in each of the aforesaid meeting-houses to be valued, according to the conveniency of said pews, and situation of the same, from time to time, as shall be found necessary, and to determine how much each pew or part of a pew shall pay towards defraying the charges aforesaid, and the time and manner in which the same shall be paid, and, if need be, to appoint a collector, to collect the sum or sums so agreed to be raised; and if any proprietor or owner of a pew shall neglect or refuse to pay the sum or sums assessed thereon, after having two months notice by the collector or proprietors of said meeting-houses, they shall be, and hereby are empowered, by themselves or their committee, to sell and dispose of the pew or pews of such delinquents, for the sums due, as assessed thereon, according to the valuation thereof as aforesaid, and with the monies raised by such sale to pay the assessment or tax on said pews remaining unpaid, together with the charges arising on the sale; the overplus (if any there be) to be returned to the owner thereof.

In case of neglect, or refusal to pay the sums assessed, the pews may be disposed of.

SECT.

SECT. 3. *Provided nevertheless*, That when the owner of *Proviso.* any pew shall make a tender of the same to the proprietors, or to their committee at the valuation aforesaid, and they shall refuse or neglect to take the same, no sum shall be deducted out of the sale of said pew or pews, but such only as shall have become due before the making such tender.

SECT. 4. *And be it further enacted*, That the inhabitants of each respective parish in said town be, and hereby are empowered, to tax or assess the several persons occupying pews or parts of pews, and all others usually attending the public worship with them, for their polls and estates lying in the town aforesaid, according to their several abilities and circumstances, in order to raise monies sufficient, together with what may be assessed on the pews, to defray their ministerial and other incidental charges; and the assessment or tax shall be made and collected by such rules as parish taxes are made and collected by; and henceforth the inhabitants of *Portland* aforesaid shall be, and are hereby entirely exempted and free from paying taxes either for their polls or estates, lying within the bounds of the said town, other than pew taxes, towards defraying the ministerial and other charges of any place or society than where they usually attend, which shall be determined by their giving in their names to the Town-Clerk, in the month of *February* or *March* annually.

SECT. 5. *Provided always*, That they pay all the taxes already legally assessed on them. *Proviso.* And *provided further*, That where any inhabitant of the said town shall neglect or refuse to attend public worship with any religious society in the said town, he shall be considered as belonging to the oldest religious congregational society in that town, and his poll and estate shall be taxable towards maintaining religious worship in such society.

SECT. 6. *And be it further enacted*, That nothing in this Act shall extend to, or be construed to extend to, or in any manner affect any of the clauses and provisions which concern or relate to the support, maintenance or salary of the Reverend *Thomas Smith*, contained in an Act, entitled "An Act for incorporating a number of the inhabitants of the town of *Portland*, in the county of *Cumberland*, into a distinct and separate religious society;" but the same clauses and provisions shall remain in full force, any thing in this Act supposed to be to the contrary notwithstanding.

[This Act passed February 14, 1789.]

Act for continuing this Act, and including Woburn and Malden, February 27, 1794. Separate provision for Medford, by Act, February 11, 1803.

Preamble.

Townsempowered to choose a committee annually.

Their power and authority.

An ACT to prevent the Destruction of the Fish called Shad and Alewives in *Mystick River*, so called, within the towns of *Cambridge*, *Charlestown* and *Medford*, and for repealing all Laws heretofore made for that Purpose.

**W**HEREAS the fishery in *Mystick River*, in the county of *Middlesex*, if properly regulated will be of great public utility, as it serves to promote the cod fishery, and is also of advantage to the particular towns through which the river runs, affording in some measure subsistence and support to the inhabitants thereof, and is therefore necessary to be preserved :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the towns of *Cambridge*, *Charlestown*, and *Medford*, respectively, at a town meeting to be held in the months of *March* or *April* annually, at the time of choosing other town officers in their respective towns, be, and they hereby are authorized and directed, to choose for each of said towns three suitable persons, in their respective towns, as a "*Committee for the preservation of Fish*," who shall be sworn to the faithful discharge of their duty; and the said Committee or the major part of them, in their own town, shall have full power and authority to cause the natural course of the said river, and the streams running into it to be kept open and without obstruction, and to remove all such obstructions as may be found therein; and to make the passage-way wider or deeper, if they shall find it necessary. And the said Committee or a major part of them, in their respective towns, shall have authority for such purposes to go on the land of any person which may border on said river or streams, without being considered as guilty of a trespass, and to remove across such land any such obstructions, implements or tools, as may in any way impede, obstruct or hinder any fish from passing freely up and down said river or streams, otherwise than by this Act is provided. And any person who shall hinder or obstruct said Committee or a majority of them, whether in crossing such lands or in executing any part of the business by this Act assigned them, shall forfeit and pay for every such offence, a sum not exceeding *three pounds*, nor less than *twenty shillings*, to be recovered in any Court proper to try the same.

No fish shall be caught, except as provided by this Act, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no shad or alewives shall be caught in any of the above-mentioned towns, above *Medford Bridge*, in the said river or streams, or in *Mystick Pond* or *Spy Pond*, whether with a seine, drag-net, marsh-net, basket, or any other implement of that kind or made to answer such purpose, except as is hereafter in this

this Act provided : And every person offending herein shall upon due conviction forfeit and pay the sum of *three pounds*, for every such offence, and shall also forfeit the implements or tools used in committing the offence. And no person shall at any time place any kind of obstruction in said river, streams or ponds, which may obstruct or hinder any shad or alewives from passing up or down the same. And no person shall be permitted, by disturbing the waters aforesaid, or by any other means, to restrain or interrupt any of those fish in their passage up and down said river and streams. And every person offending in either of these particulars shall, upon conviction, forfeit and pay the sum of *three pounds*, for every such offence ; and every wear, net, or other obstruction, matter or thing placed or used for such purpose, shall also be forfeited, if found in any of the waters aforesaid, and shall be disposed of by said Committee or a majority of them, for the same purpose as the other forfeitures are to be applied to by this Act, so far as the proceeds of the sale shall not be necessary for the particular appropriations in this Act.

Penalty for offending.

SECT. 3. *Be it further enacted by the authority aforesaid*, That in order to secure to said towns of *Cambridge*, *Charlestown*, and *Medford*, their equal benefit from said fishery, the inhabitants of the town of *Cambridge* shall, within the limits of that town, have full right to catch with any kind of net, seine, or other fishing implement, any shad or alewives, on *Monday*, *Tuesday* and *Friday*, in every week, from the first day of *March* to the last day of *June* inclusively ; and the inhabitants of *Charlestown* and *Medford* shall, in like manner, in their respective towns, have full right to catch any shad or alewives in the waters aforesaid, on *Monday*, *Wednesday* and *Friday*, in every week included in said term.

Times set for inhabitants to fish.

SECT. 4. *Be it further enacted by the authority aforesaid*, That every person, being an inhabitant of either of those towns, shall, each in his own town, in the river, streams and ponds aforesaid, with any kind of fishing implement, on those days only, which are with respect to each of said towns before-mentioned, have the right of catching said fish, between sun-rising on said days before-mentioned until sun-rising on the next day ; and no obstruction, instrument or tool shall be set, placed or used, for the purpose of hindering or catching of the fish aforesaid, in the waters aforesaid till the sun shall be risen on said days ; nor shall any such instrument be permitted to remain or be used in said river, streams or ponds, after the rising of the sun as afore-mentioned ; and no such obstruction shall be allowed to be placed, used or to remain in said river, streams or ponds, on any other days or times than is herein limited and prescribed, under the same penalties and forfeitures, to be incurred by any

Every inhabitant shall, in his own town, have the right of catching fish on the days mentioned.

any and every person placing or using the same, as are provided by this Act to be forfeited and paid by persons catching said fish, except as this Act provides.

**SECT. 5.** *Be it further enacted by the authority aforesaid,* That if any inhabitant of any other town shall at any time take or hinder shad or alewives, within the limits of either of said towns, without leave first obtained from the selectmen of the town in which he shall take or hinder those fish, or unless the person taking or hindering them shall be immediately in the employ or service and labouring for the benefit of some inhabitant of such town, every person so offending shall, upon a due conviction, forfeit and pay the same penalties and forfeitures as by this Act are provided against persons taking, obstructing or hindering said fish at any other times than those particularly permitted.

**SECT. 6.** *Be it further enacted by the authority aforesaid,* That the said Committee, or a majority of them in their respective towns, shall have full authority to execute this Act, so far as relates to seizing, removing and selling any implements or tools, used for hindering, taking, disturbing or turning back the fish in said river, streams or ponds, and in and after the execution of said trust, they shall not be considered as guilty of a trespass therein, nor shall any action lie against them or either of them for any necessary damage done to the lands or fences of any person in executing said trust; but if the proceeds of the sale of said implements, or other materials, shall be found insufficient to defray all the necessary charges, and the reasonable fees of the Committee, not exceeding *four shillings* to each committee-man, for each day so spent by him, and also all reasonable and necessary assistance; then the remainder of such damages and costs shall be recovered in an action of debt, to be brought by the persons to be benefited by the same; whether committee-men or persons owning the lands or fences damaged, with all the costs of suit against the person committing the offence, in any court proper to try the same, within the county of *Middlesex*. And the said committee, or any other person, may sue for and recover upon due and legal conviction, in any court proper to try the same, all penalties which shall arise, or become due in their respective towns, for any breach of this Act, either upon action of debt, or upon indictment or information; one half of the penalty to accrue to the person recovering the same, the other half to be paid to the Treasurer of the town where the offence was committed, for the use of the poor of the same town.

**SECT.**

SECT. 7. *Be it further enacted by the authority aforesaid, That all fines and penalties that may be incurred for a breach of this Act, not exceeding four pounds, may be sued for and recovered before any Justice of the Peace for the county of Middlesex, saving the right of appeal to any person aggrieved, by the sentence of said Justice, to the Court of General Sessions of the Peace, next to be holden for said county.*

This Act to be in force for the space of five years from the Limitation. first day of *March* next, and no longer.

[This Act passed February 16, 1789.]

An ACT for setting off *Benjamin Hodges* from the Town of *Stoughton*, and annexing him to the Town of *Sharon*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Hodges, with his family and estate, lying in Stoughton, adjoining to Sharon line, be, and are hereby set off from the town of Stoughton, and annexed to and incorporated with the town of Sharon.*

SECT. 2. *Provided nevertheless, That he, the said Hodges, pay* Provide. *to the town of Stoughton, his proportion of the debts that the said town now owes, to be computed according to his proportion of the last State tax.*

SECT. 3. *And be it further enacted by the authority aforesaid, That the assessors of the town of Stoughton be, and they hereby are authorized and empowered to assess upon said Hodges his proportionable part of the debt the said town of Stoughton now owes as aforesaid, and to commit the same assessment to a Constable of the town of Stoughton, who is hereby authorized and empowered to collect it, in the same way and manner he could have collected it if said Hodges had still remained to the town of Stoughton.* To pay his proportion of debt.

[This Act passed February 16, 1789.]

An ACT for incorporating the Plantation Number One, on the East Side of *Union River*, in the County of *Lincoln*, into a Town by the Name of *Trenton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation Number One, on the east side of Union River, and included within the boundaries hereafter described, beginning on Frenchman's Bay, at* Boundaries.

the southwest corner bounds of township Number Two, and bounded on the east by the west line of said township Number Two, northerly by the south line of townships Number Seven and Number Eight, westerly by *Union River*, and southerly by the sea to the bounds begun at, together with the inhabitants thereof, be, and they are hereby incorporated into a town by the name of *Trenton*: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth by law do or may enjoy.

Nicholas Holt,  
Esq. to call a  
meeting.

SECT. 2. *And be it further enacted*, That *Nicholas Holt*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town of *Trenton*, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose at their meeting in the month of *March* or *April* annually.

[This Act passed February 16, 1789.]

An ACT for incorporating the Plantation of *Goldsborough*, so called, in the County of *Lincoln*, into a Town by the Name of *Goldsborough*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation of *Goldsborough*, included within the boundaries hereafter described, beginning at *Frenchman's Bay*, at the bound mark, between *Goldsborough*, and township Number Two, thence running easterly by the south lines of townships Number Two and Number Seven, to *Goldsborough Harbour*, then easterly, southerly and westerly, by the bay to the bounds begun at, including *Stave Island*, *Jordan's Island*, *Iron-bound Island*, the *Porcupine Island*, (so called) *Horn Island*, *Turtle Island*, and *Scooduk Island*, together with the inhabitants thereof, be, and hereby are incorporated into a town by the name of *Goldsborough*. And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth by law do or may enjoy.

Boundaries.

SECT. 2. *And be it further enacted*, That *Alexander Campbell*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town of *Goldsborough*, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose at their meeting in the month of *March* or *April* annually.

Alex. Campbell  
Esq. to call a  
meeting.

[This Act passed February 16, 1789.]



An ACT for incorporating the Plantation Number Two, on the East Side of *Union River*, in the County of *Lincoln*, into a Town by the Name of *Sullivan*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation Number Two, on the east side of *Union River*, and included within the boundaries hereafter described, beginning on *Frenchman's Bay*, at the southeast corner of township Number One, and bounded on the west by said township Number One, on the north by townships Number Eight and Number Nine, on the east by township Number Seven, and on the south by *Goldsbrough* and *Frenchman's Bay*, to the bounds begun at, including *Island A*, *Bean Island*, *Dram Island*, *Preble Island*, *Bragdon Island*, *Burnt Island*, *Black Island*, and *Soward Island*, together with the inhabitants thereof, be, and they hereby are incorporated into a town by the name of *Sullivan*. And the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth by law do or may enjoy. Boundaries.

SECT. 2. And be it further enacted, That *Alexander Campbell*, Esq. be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town of *Sullivan*, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose at their meeting in the month of *March* or *April* annually. Alex. Campbell, Esq. to call a meeting.

[This Act passed February 16, 1789.]

An ACT to enable the Proprietors of a Marsh lying in the Towns of *Malden* and *Chelsea* to make and maintain a Dam, for the better improving of the said Marsh.

WHEREAS *Samuel Danforth*, *Samuel Watts*, *Benjamin Blaney*, Esq. *Isaac Smith*, *Daniel Waters*, *Ezra Sargent*, Esq. *Nehemiah Oakes*, *Calvin Chittenden*, *Moses Collins*, *Jonathan Green*, *Mary Haugh*, *Joseph Whittamore* and *Aaron Dexter*, Esq. proprietors of a marsh lying on each side of *Island River*, running into the towns of *Malden* and *Chelsea*, have requested the General Court to authorize them to make and maintain a dam, for the purpose of fencing out the sea from the said marsh, and it appearing that great improvements might thereby be made in the said marsh, to the benefit of the said proprietors, as well as the public :

SECT. 1. *Be* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Samuel Danforth* and others afore-named,

Proprietors empowered to make a dam. afore-named, proprietors of the marsh aforesaid, their heirs and assigns, be, and hereby are authorized and empowered, to make a dam sufficient to keep out the sea from the said marsh, from the land of Capt. *Isaac Smith*, in the town of *Malden*, across the river called *Island River*, and from said river across the marsh aforesaid, until it shall reach Captain *Jonathan Green's* upland, in the town of *Chelsea*, and to maintain and keep the said dam in repair forever.

Empowered to raise by assessment, such sum as may be sufficient. SECT. 2. And be it further enacted by the authority aforesaid, That the said *Samuel Danforth* and others, proprietors afore-named, their heirs and assigns, be, and hereby are allowed and empowered to raise, by an assessment or tax to be made and levied equally on all the lands composing the said marsh within the dam, to be made as aforesaid, such sum or sums for defraying the charges of making and maintaining the said dam, as shall be agreed upon by the said proprietors, their heirs or assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose; the meetings of the said proprietors to be called and conducted in the same manner as those of proprietors of common lands, prescribed by an Act passed the tenth day of *March*, in the year one thousand seven hundred and eighty-four, relating to lands, wharves and other real estate, undivided and lying in common. And the said proprietors are hereby authorized and empowered to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by law empowered to choose officers at their legal meetings.

Meetings, how called and conducted. SECT. 3. And be it further enacted by the authority aforesaid, That if any owner of any part of the said marsh, shall neglect or refuse to pay the sum or sums of money duly assessed on such part, for the space of six months after such monies shall have been granted, and his assessment shall have been published by advertising the same in any two of the *Boston* newspapers four weeks successively, then the said proprietors, for the purpose of paying such assessment, are hereby fully empowered from time to time, at public vendue, to sell and convey so much of such delinquent proprietor's part of said marsh as will be sufficient to pay and satisfy the sum or sums assessed upon his part as aforesaid, and all reasonable charges attending such sale, to any person that will give most for the same. Notice of such sale, and of the time and place thereof being given, by posting an advertisement thereof in the said towns of *Malden* and *Chelsea*, and by publishing the same in at least two of the newspapers aforesaid, five weeks successively before the time of such sale: And the said proprietors may, by their Clerk or a Committee to be chosen for that purpose, execute a good deed

In case of a refusal, or neglect to pay the sums assessed, proprietors empowered to sell delinquent's parts or shares.

Notice of such sale to be given.

deed or deeds of conveyance of the part of said marsh so sold, unto the purchaser thereof, to hold in fee simple.

SECT. 4. *Provided nevertheless*, That the proprietor or Proprieto. proprietors, whose part or share shall be so sold, shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum, such part or share sold for, and charges, together with the further sum of *twelve pounds*, for each *hundred pounds* produced by such sale, and so *pro rata* for any greater or less sum.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said proprietors hereby are empowered to order and manage all affairs relative to the making and maintaining of the dam aforesaid, in such way and manner as shall be concluded and agreed on by the major part of those who are therein interested, present at any legal meeting, the votes to be collected and accounted according to the interests. Proprietors empowered to manage all affairs as may be agreed on.

[This Act passed February 17, 1789.]

An ACT for incorporating the Plantation of *Mount Desert*, so called, in the County of *Lincoln*, into a Town by the Name of *Mount Desert*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called *Mount Desert*, together with the islands called *Cranberry Islands*, *Bartlett's Island*, *Robertson's Island* and *Beech Island*, together with the inhabitants thereof, be, and they hereby are incorporated into a town by the name of *Mount Desert*. And the said town is hereby vested with all the powers, privileges and immunities, which other towns in this Commonwealth by law do or may enjoy. Incorporated.

SECT. 2. *And be it further enacted*, That *Gabriel Johannot*, Esq. be, and hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose at their meeting in the month of *March* or *April* annually. Gabriel Johannot, Esq. to call a meeting.

[This Act passed February 17, 1789.]

An ACT to incorporate the Plantation called *Royalborough*, in the County of *Cumberland*, into a Town by the Name of *Durham*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the lands of *Royalborough* aforesaid, bounded

Boundaries.

bounded as follows, viz. Beginning at the westerly corner of a tract of land called *Prout's Gore*, in the line of *North-Yarmouth*, thence northwest seven miles adjoining said *North-Yarmouth*, thence northeast to *Andrescoggin River*, thence southeasterly by the middle of said river, to the head line of *Brunswick*, thence southwesterly adjoining the head line of *Brunswick* and said *Prout's Gore*, to the first mentioned bounds, with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Durham*, and invested with all the powers, privileges and immunities that towns in this Commonwealth do or may by law enjoy.

Sam. Merrill,  
Esq. to call a  
meeting.

SECT. 2. *And be it further enacted by the authority aforesaid, That Samuel Merrill, Esq. be, and he is empowered and required to issue his warrant to some principal inhabitant of the said town of Durham, directing him to warn the inhabitants thereof to assemble at some convenient time and place in the said town, to choose all such officers as by law are to be chosen annually in the month of March or April.*

[This Act passed February 17, 1789.]

**An ACT to annex Jabez Briggs and Gideon Gould, with a certain Gore of Land, to the Town of Sutton in the County of Worcester.**

Jabez Briggs  
and Gideon  
Gould, annexed  
to Sutton.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jabez Briggs and Gideon Gould, with their respective messuages, lands and tenements, being a gore of land lying in the county of Worcester, containing about one hundred and fifty-nine acres, bounded south-easterly on Manchoag Pond, and by the following lines on the town of Sutton, viz. south thirty-seven degrees east, eighty rods; north thirty-five degrees thirty minutes west, ninety rods; north sixteen degrees fifteen minutes west, one hundred and two rods; east three degrees north, one hundred and ninety-two rods; be annexed to the said town of Sutton, there to do duty and receive privileges as other inhabitants of the town aforesaid.*

[This Act passed June 5, 1789.]

**An ACT for setting off three fifty acre Lots of Land from the Town of Goshen, in the County of Hampshire, and annexing them to the Town of Chesterfield, in the same County.**

Lands set off.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the three lots of land hereafter mentioned, viz. the lot number sixty-three, number ninety and number ninety-one,*

ninety-one, in the third division of said *Goshen*, with the inhabitants thereon, be, and they are hereby set off from the said town of *Goshen*, and annexed to the said town of *Chesterfield*: *Provided*, That the proprietors of the said three lots of land shall lodge with the Town-Clerk of the town of *Goshen*, and with the Town-Clerk of *Chesterfield*, exact plans of the lots aforesaid, within three months from the passing of this Act: *Provided also*, That all the taxes which have heretofore been assessed on said lots of land and their inhabitants, by the town of *Goshen*, shall be paid in the same manner as if said lots still continued a part of said town of *Goshen*.

[This Act passed June 8, 1789.]

An ACT in addition to an Act passed the last Year, entitled, "An Act for the Preservation of the Fish called Alewives, in *Mattepoiset River*, in *Rochester*, in the County of *Plymouth*, and for regulating the taking of the said Fish in the said River."

March 1, 1788.  
Additional acts  
Feb. 23, 1791.  
Feb. 16, 1803.

**W**HEREAS it is provided in and by the said Act, that the owner or owners of each and every mill-dam on said river shall make, provide and continue, a sluice-way of three feet wide and eight inches deep, for the said fish to pass their respective dams, as low as the Selectmen of the said *Rochester* shall judge convenient for the said fish to pass in; and that the Selectmen of the said town of *Rochester* be authorized to open said sluice-ways on the second Monday of *April* annually, in order to let the said fish pass the said dams: And whereas it is found by experience that the keeping of said sluice-ways shut till the second Monday in *April* annually, greatly impedes the course of said fish:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this Act, the Selectmen of the said town of *Rochester* are hereby authorized on any day between the last day of *March* and the second Monday of *April* annually, to open said sluice-ways, which, when opened by them, shall remain open until the twentieth day of *May* annually, under the same penalty as is provided in said Act for said sluice-ways being stopped between the second Monday of *April* and the twentieth day of *May*.

Selectmen empowered to open sluice-ways.

SECT. 2. *And be it further enacted by the authority aforesaid*, That if any person shall presume to take any of said fish in the brook leading out of *Little Long Pond*, (so called) into *Sniptuet Pond*, such person shall be subject to the same penalty as is provided in said Act for taking said fish in said *Mattepoiset River*, at a time not allowed by the Committee of said town to take said fish in said river.

Persons taking fish, subject to penalty.

And

And whereas there is no provision made in said Act to prevent persons taking said fish in said river, or by seines in a part of the harbour therein described, before the tenth day of *April* annually :

**Persons prohibited from taking fish.** SECT. 3. *Be it therefore enacted by the authority aforesaid,* That if any person shall presume to take any of said fish in said river, or to stretch any seine in that part of the harbour into which said river empties, which is described in said Act, between the last day of *March* and the tenth day of *April* annually, such person or persons shall be subject to the same penalty as is provided by said Act for doing the same between the tenth day of *April* and the twentieth day of *May*.

**Penalty.**

**Inhabitants permitted to sell fish.**

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Rochester*, at a legal town-meeting warned for that purpose, may sell, or dispose of, on such terms and in such manner as they may think proper, the exclusive right of taking said fish in said river, for any number of days not exceeding three in each week, no one sale to be for a longer term than one year.

And whereas by reason of the swamp and thickets through which said river runs, it may be very difficult to procure proof of the violations of this Act, and the Act to which this is an addition : Therefore,

**Persons detected in taking fish illegally subject to penalties.** SECT. 5. *Be it enacted by the authority aforesaid,* That if the Committee of said town, or any member thereof, shall detect any person attempting to take said fish, on any day, in any place or in any manner other than is allowed by said Committee, and said person has any of said fish in his or her custody, or if the said Committee or other member of said town shall find any such fish in any person's custody, near to or coming from said river, such person shall be deemed to have taken such fish illegally, and shall be subject to the penalties provided by this Act and the Act to which this is an addition, unless such person can give a satisfactory account how he or she came by such fish.

**Committee empowered to bring actions of debt for recovery of penalties.** SECT. 6. *And be it further enacted by the authority aforesaid,* That any member of the Committee of said town of *Rochester*, appointed in consequence of said Act, may bring forward an action of debt for the recovery of the penalty or penalties provided in said Act, or in this Act, in his own name, and the name of the said town of *Rochester*, and shall be entitled to one half the sum or sums so recovered, any thing in said Act to the contrary notwithstanding.

[This Act passed June 15, 1789.]

An

An ACT to enable the Town of *Charlestown* to exchange a Part of the Ministerial Lot in said Town, for an equal Quantity of other Land.

**W**HEREAS it appears to this Court, that the meeting-house in *Charlestown* will be greatly accommodated if a part of the ministerial lot, given to that town by Captain *Richard Sprague*, deceased, for the sole use of the ministry, should be exchanged for an equal quantity of other land : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the town of *Charlestown* to sell and convey to *Nathaniel Gorham, Esq.* a part of the ministerial lot aforesaid, in said town, not exceeding four thousand square feet ; provided said *Nathaniel Gorham* shall sell and convey to said town an equal quantity of his land adjoining said ministerial lot. And the deed or deeds to be given by the Committee of the town of *Charlestown*, to the said *Nathaniel Gorham*, shall be to every intent and purpose good and valid in law ; any thing in the will of the said *Richard Sprague* to the contrary notwithstanding. Town of *Charlestown* empowered to sell ministerial land. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the land, which shall be conveyed by the said *Nathaniel Gorham* to the said town of *Charlestown*, and annexed to said ministerial lot, shall be forever kept and held for the same purposes and uses, as the said *Richard Sprague* directed that the lands by him given in his last will to the town of *Charlestown*, as aforesaid, should be appropriated.

[This Act passed June 17, 1789.]

An ACT for reviving and continuing fundry Laws that are expired or near expiring.

**W**HEREAS the several Acts hereafter mentioned, which are now expired, or near expiring, have been found useful and beneficial, viz. An Act made in the year of our Lord one thousand seven hundred and forty-seven, entitled, "An Act to prevent deceit, in the gauge of casks." An Act made in the year of our Lord one thousand seven hundred and seventy-one, entitled, "An Act to prevent damage being done to the proprietors of the meadow, upland and beach, called *Great and Little Scipuiszet*, in the town of *Falmouth*, in the county of *Barnstable*." An Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act for regulating the alewife fishery, in the town of *Halifax*, in the county of *Plymouth*." An Act made in the year of our Lord one thousand seven hundred and eighty, entitled, "An Act in addition to an Act, entitled, "An Act in further addition to, and ex-

planation of an Act, in addition to an Act for erecting of a powder-house in *Boston*." An Act made in the year of our Lord one thousand seven hundred and eighty-one, entitled, "An Act to prevent damage being done on the meadows lying in the township of *Yarmouth*, called *Nobscussett-Meadows*, and a small commonage of land and beaches thereto adjoining." An Act made in the year of our Lord one thousand seven hundred and eighty-seven, entitled, "An Act to prevent the destruction of oysters, and all other shell fish lying within the harbours, rivers and bays within the limits of the towns of *Sandwich*, in the county of *Barnstable*, and *Wareham*, in the county of *Plymouth*, and the towns of *Dartmouth* and *Westport*, in the county of *Bristol* :

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That such of the before mentioned Acts as are expired, be  
Laws revived. revived, and such of the said Acts as are not yet expired, be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of *November*, which will be in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.

[This Act passed June 17, 1789.]

Extended to  
Fresh Pond  
Brook, June  
25, 1798.

An ACT regulating the taking of the Fish called  
Alewives, in the *Town-Brook*, so called, in the  
Town of *Plymouth*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That said fish may be taken between the two grist mills now standing on said brook, and shall not be taken in any other part thereof, and at such time or times only, as a Committee who may be appointed by said town, as is hereafter provided, may direct.

Inhabitants au-  
thorized to ap-  
point a Com-  
mittee to over-  
see to taking of  
fish.

SECT. 2. *And be it enacted by the authority aforesaid,* That the inhabitants of said town of *Plymouth*, at their meeting for the choice of town officers in *March* or *April* annually, be, and they hereby are authorized and directed to appoint five or seven persons, a Committee to oversee the taking said fish as aforesaid, which Committee shall distribute the fish taken by them, or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same, and for the fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons applying therefor, payment at such rate or rates as the inhabitants of the said town at their annual meeting in *March* or *April* may direct, excepting of such poor persons as may be named in a list to be annually made  
out



out by the Selectmen of said town, and who, in the opinion of the Selectmen, are unable to pay for the same, which list shall be given to the Committee, and the person or persons borne on the same shall be supplied with such quantities of said fish, gratis, as the Committee may think expedient: And the Committee aforesaid shall have such allowance for their services, as the inhabitants of said town, at the time of appointing said Committee, shall determine, and shall annually, in the month of *September* next following their appointment, exhibit their accounts to the Selectmen of said town, for settlement and allowance, and pay the balance remaining in their hands, if any, to the Treasurer of the town of *Plymouth*, for the town's use.

Committee to exhibit their accounts to the Selectmen for allowance.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Committee, or the major part of them, be and are hereby authorized and empowered to open any dam, or the sluice of any mill or other water works erected, or that may be erected, on or over said brook, at the expense of the owner or owners of such dam or sluice, provided such owner or owners shall neglect to open the same when thereto required by said Committee, or the major part of them as aforesaid; and the dam or sluice that may be so opened, shall continue open to such depth and width, and for so long a time, as the said Committee, or the major part of them, may judge necessary; and if any person or persons shall obstruct the passage ways allowed or ordered by said Committee, or the major part of them, in any dam or sluice way, or shall obstruct the passage of said fish in any other part of said brook, than is permitted by this Act, such person or persons so offending shall forfeit and pay a sum not exceeding *fifty pounds*, nor less than *ten pounds*.

Committee empowered to open dam or sluice-ways.

Proviso.

Penalty.

SECT. 4. *Be it further enacted by the authority aforesaid,* That if any person or persons, other than the said Committee, or such persons as shall be by them employed, shall take any of the said fish in the said brook, or any part of it, at any time or by any ways or means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *ten shillings* for every such offence.

Persons taking fish without permission subject to penalty.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all penalties incurred by the breach of this Act may be sued for and recovered by the Treasurer of the town of *Plymouth*, for the time being, in any court in the county of *Plymouth* proper to try the same; and all sums so recovered shall be appropriated to the use of said town; and in case any minor or minors shall offend against any part of this Act, and thereby incur any or either of the penalties aforesaid, in all such cases the parents, masters or guardians of such minor or minors, shall be answerable therefor; and in case of a prosecution of such minor or minors for any such offence, the action

Penalties to be sued for and recovered by the Treasurer.

In case of prosecution, judgment.

ment to be rendered against parents, &c.

tion shall be commenced against the parents, masters, or guardians of such minor or minors respectively, and judgment be rendered against any parent, master, or guardian in such case, in the same manner as for his or their personal offence.

SECT. 6. *And be it further enacted by the authority aforesaid,* That no person by reason of being an inhabitant of said town, or one of said Committee, shall be thereby disqualified from being a witness in any prosecution for a breach of this Act.

[This Act passed June 20, 1789.]

### An ACT for naturalizing *Nathaniel Skinner*, and others therein named.

Preamble.

**W**HEREAS *Nathaniel Skinner*, late of *London*, *James Scott*, and *James Scott*, junior, natives of *Great Britain*, *George Shinnits*, a native of *Prussia*, and *Martin Coning*, late of *Amsterdam*, now residing in *Boston*, and *Akurs Sisson*, now residing in *Dartmouth*, have petitioned the General Court that they may be naturalized, and be thereby entitled to all the rights and privileges of free citizens of this Commonwealth :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *Nathaniel Skinner*, *James Scott*, *James Scott*, junior, *George Shinnits*, *Martin Coning* and *Akurs Sisson*, on first severally paying to the Secretary such fees as may be by law required of them, and taking and subscribing the oath of allegiance to this Commonwealth before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

Persons adjudged free citizens, in case.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Justices before whom the persons aforesaid may respectively take the oaths aforesaid, shall return a certificate of the same into the Secretary's office, to be entered in the records of the Commonwealth.

[This Act passed June 22, 1789.]

### An ACT for incorporating the easterly and southerly Parts of the Town of *Dunstable*, into a District by the Name of *Tyngsborough*.

Preamble.

**W**HEREAS the town of *Dunstable*, in the county of *Middlesex*, hath petitioned this Court, praying that the people who lately composed the first parish in said town, together with their estates, may be incorporated into a district, to enable them to receive Mrs. *Sarah Winslow's* donation :

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the easterly and southerly parts of said town of *Dunstable*, be, and they hereby are incorporated into a *Tyngsborough* district, by the name of *Tyngsborough*, with all the powers, privileges and immunities of incorporated districts, viz.—  
Beginning at the northwest corner of Col. *John Tyng's* great farm, at *Groton* line, a small distance from said *Tyng's* mills, from thence to run easterly by the north side of said farm, until it extends eight rods east of *John Cuning's* dwelling-house; from thence to run northerly thirty rods west of *Ezra Thompson's* dwelling house, and so on the same course, until it comes to the line of the State of *New-Hampshire*, with all the lands and inhabitants within the said town on the east and south of said line. in incorporated.  
Boundaries.

SECT. 2. *Provided nevertheless,* That the said district of *Tyngsborough*, shall pay their proportion of all taxes now assessed by, and of debts due from the said town of *Dunstable*. Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the polls and estates in the said district, that were returned by the Assessors of said town on the last valuation, shall be deducted from the said returns and be placed to the said district of *Tyngsborough*, until another valuation shall be taken. Polls & estates  
to be placed on  
Tyngsborough.

SECT. 5. *Be it further enacted by the authority aforesaid,* That the said district of *Tyngsborough* shall be held to support the poor included within their limits, and also any person or persons who have heretofore been inhabitants of that part of *Dunstable*, which is now *Tyngsborough*, and may hereafter be returned as paupers to the town of *Dunstable*: And it shall be the duty of the Selectmen or Overseers of the Poor of the said town of *Dunstable* for the time being, whenever such pauper or paupers shall be returned as aforesaid, who were original inhabitants of that part of *Dunstable*, which is now *Tyngsborough*, to convey him, her or them, to the Overseers of the Poor for the said district of *Tyngsborough*, who are hereby directed to receive and support the same. To support  
their own poor.  
Selectmen and  
Overseers, their  
duty.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the town stock of ammunition shall be equally divided between the said town and district, and the weights and measures shall be the property of the town, they paying the district one third of the value thereof. Town ammunition, &c. to  
be divided.

SECT. 5. *And be it further enacted,* That the Selectmen of said town, fifteen days at least before the time for choosing a Representative, shall give notice of the time and place by them ordered for that purpose, in writing, under their hands, to the Selectmen of *Tyngsborough*, to the intent that the Selectmen of *Dunstable* to notify *Tyngsborough* in choice of Representatives. Selectmen of  
Dunstable to  
notify Tyngf-  
borough in  
choice of Rep-  
resentatives.

lectmen

lectmen of said district may issue their warrant to the Constable of said district, to warn the inhabitants thereof to meet with the said town of *Dunstable*, at the time and place so ordered for the choice of a Representative.

SECT. 6. *And be it further enacted*, That *Joel Parkhurst*, Esquire, be, and he hereby is authorized to issue his warrant, directed to some principal inhabitant of the district of *Tyngsborough*, requiring him to notify the inhabitants of the said district qualified to vote in town affairs, to assemble at such time and place as he shall therein direct, to choose all such officers as districts within this Commonwealth are directed and required by law to choose in the month of *March* or *April* annually; and the aforesaid Justice is also authorized to issue his warrant to the Constable of *Dunstable*, requiring him to warn the freeholders and other inhabitants of said town, qualified to vote as aforesaid, to meet at such time and place as he shall appoint, to choose town officers in all cases where there shall be any vacancies.

[This Act passed June 22, 1789.]

An ACT to enable the Proprietors of a Marsh and rough Meadow, lying in the Town of *Rowley*, to make and maintain a Dike, for the better improving said Marsh and Meadow.

Preamble.

WHEREAS *Thomas Mighill* and others, proprietors of a marsh and rough meadow, lying in *Rowley*, and known by the name of *Cowbridge Marsh* and rough Meadow, and containing all the marsh and meadow lying within the lines hereafter described, beginning at a point of upland on the northerly side of *Francis Pickard's* marsh, and running from thence about fourteen rods to *Cowbridge Creek*; from thence across said creek, and through the centre of *Mehetabel Northend's* marsh, and marsh belonging to *Nekemiah Jewett* and Deacon *Jeremiah Searl*, on the northerly side of a cart path to upland belonging to *John* and *Benjamin Thurston*; from thence by said upland, and upland belonging to the heirs of *John Plumer*, until it cometh to the country road; from thence southerly by said road, to upland adjoining to the plantation that was the late Capt. *George Jewett's*; from thence by said upland and aforesaid plantation, and upland belonging to several other persons until it comes to the aforesaid road, and by said road until it comes to upland belonging to the heirs of Col. *Thomas Gage*; from thence westerly by said upland and upland belonging to several other persons, until it cometh to land belonging to *Thomas* and *Jeremiah Mighill*; from thence northerly by said *Mighill's* land, and upland belonging to *William, David* and

and *Nathan Todd*, until it comes to the ox pasture ; from thence by said pasture, until it cometh to the point of upland first mentioned ; have requested the General Court to authorize them to make a dike, for the purpose of fencing out the sea from the said marsh and meadow ; and it appearing that great improvements might hereby be made in said marsh and meadow, to the benefit of said proprietors, as well as the public :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Thomas Mighill* and others, proprietors of the marsh and meadow aforesaid, their heirs and assigns, be, and they hereby are authorized and empowered to make a dike, sufficient to keep out the sea from the said marsh and meadow, as before described, and to maintain and keep the said dike in repair forever.

Proprietors empowered to make a dike.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *Thomas Mighill* and others, proprietors of the marsh and meadow aforesaid, their heirs and assigns, be, and they hereby are allowed and empowered to raise by an assessment or tax, to be made and levied on all the proprietors of the said marsh and meadow lands, lying within the dike to be made as aforesaid, according to the interest they severally have therein, such sum or sums for defraying the charges of making and maintaining the said dike, as shall be agreed upon by the said proprietors, their heirs or assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose ; the meetings of the said proprietors to be called and conducted in the same manner as those of proprietors of common lands, prescribed by an Act passed the tenth day of *March*, in the year one thousand seven hundred and eighty-four, relating to lands, wharves, and other real estate undivided, and lying in common :—And the said proprietors are hereby authorized and empowered to choose all such officers, as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by law empowered to choose officers at their legal meetings.

To raise a tax to defray charges.

Meetings called to be conducted agreeable to law.

Empowered to choose officers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any proprietor of the said marsh or meadow shall neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of six months after such monies shall have been granted, and for the space of one month after his assessment shall have been shewn to him, or a copy thereof left at his usual place of abode, then the said proprietors for the purpose of collecting the monies in such assessment, are hereby fully empowered from time to time, at public vendue, to sell and convey so much of such delinquent proprietor's

Proprietors refusing to pay assessments, their lands to be sold.

proprietor's part of said marsh or meadow, as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent proprietor as aforesaid, and all reasonable charges attending such sale, to any person that will give most for the same: Notice of such sale, and of the time and place thereof being given, by posting an advertisement thereof in some public place in the town of *Rowley*, six weeks before the time of such sale; and the said proprietors may, by their Clerk, or a Committee to be chosen for that purpose, execute a good deed or deeds of conveyance of the part of said marsh or meadow so sold, unto the purchaser thereof, to hold in fee simple.

Notice of the time and place of sale, to be advertised.

Committee empowered to execute deeds.

Proviso.

SECT. 4. *Provided nevertheless*, That the proprietor or proprietors, whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum such part or share sold for, and charges, together with the further sum of *six pounds*, for each *hundred pounds* produced by such sale, and so in proportion for any greater or less sum.

Proprietors to manage affairs relative to maintaining the dike.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said proprietors hereby are empowered to order and manage all affairs relative to the making and maintaining of the dike aforesaid, in such way and manner as shall be concluded and agreed on by the major part of those who are therein interested, present at any legal meeting; the votes to be collected according to the interests of the said proprietors.

[This Act passed June 24, 1789.]

An ACT for incorporating the North Eleven Thousand Acres, so called, in the County of *Berkshire*, into a District by the Name of *Bethlehem*.

Boundaries.

Incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the North Eleven Thousand Acres, so called, in the county of *Berkshire*, and included within the boundaries hereafter described, viz. Bounded south on *Sandisfield*, west on *Tyringham*, north on *Becket*, and east on *Loudon*, together with the inhabitants thereon, be, and they hereby are incorporated into a district by the name of *Bethlehem*; and the inhabitants of the said district are hereby invested with all the powers, privileges and immunities, that districts in this Commonwealth do or may by law enjoy.

Daniel Brown, Esq. to call a meeting.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Daniel Brown*, Esq. of *Sandisfield*, be, and he hereby is empowered and required to issue his warrant to some principal inhabitant of the said district of *Bethlehem*, directing him to warn the inhabitants thereof to assemble at some convenient time

time and place in the said district, to choose all such officers as by law are to be chosen in districts in the month of *March* or *April* annually.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the district of *Bethlehem* aforesaid shall pay all the taxes that are justly assessed on them, or that shall be assessed on them by the town of *Sandisfield*, so far as they were returned by the Assessors of the said town of *Sandisfield* in taking the last valuation, until a new valuation shall be taken, and no longer; any thing in this Act to the contrary notwithstanding.

[This Act passed June 24, 1789.]

An ACT to incorporate the Plantation from *Belfast* to *Wheeler's Mills*, West Side of *Penobscot-River*, in the County of *Lincoln*, into a Town by the Name of *Frankfort*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tracts of land bounded as followeth, viz. North-easterly on the bay of *Belfast* and *Penobscot-River*, up said river to *Wheeler's Mills*, thence by a line beginning at the south-east corner of *Belfast*, and running due north, on the eastern bounds of *Belfast*, until a line running due west from said *Wheeler's Mills* shall intersect the same, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Frankfort*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted,* That *Benjamin Shute*, Esq. is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Frankfort*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meetings in the months of *March* or *April* annually.

[This Act passed June 25, 1789.]

An ACT to incorporate the Islands in *Penobscot Bay*, commonly called the North and South *Fox Islands*, in the County of *Lincoln*, into a Town by the Name of *Vinalhaven*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the islands in *Penobscot Bay*, in the county of *Lincoln*, commonly called the north and south *Fox Islands*,

## Boundaries.

bounded as follows : Westerly and northerly on *Penobscot Bay*, easterly on *Fox Island Bay*, which separates these islands from the *Isle of Holt* and *Deer Island*, divisions of islands, and southerly on the Atlantic ocean, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Vinalhaven* ; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

William Vinal, Esq. authorized to call a meeting.

SECT. 2. *And be it further enacted*, That *William Vinal, Esq.* is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Vinalhaven*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meetings in the months of *March* or *April* annually.

[This Act passed *June 25, 1789.*]

An ACT to enable *Dudley Atkins*, Esquire, to take the Surname of *Tyng*.

## Preamble.

WHEREAS *Dudley Atkins*, of *Newbury*, in the county of *Essex*, Esquire, has petitioned this Court, setting forth that he is descended from the family of *Tyng* ; that *Mrs. Sarah Winslow*, of *Tyngsborough*, in the county of *Middlesex*, being a descendant from the same family, and having no children, has devised to him a considerable part of her estate, and has requested him to take the surname of *Tyng*, and therefore praying the interposition of this Court for that purpose :

Dudley Atkins enabled to take the surname of Tyng.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Dudley Atkins* be, and he hereby is enabled to take upon himself the surname of *Tyng*, in addition to his present name, and that he be hereafter known and called by the name of *Dudley Atkins Tyng*.

[This Act passed *January 16, 1790.*]

An ACT for the Protection and Security of the Sheep and other Stock on *Tarpaulin Cove Island*, otherwise called *Naushon Islands*, and on *Nennemessett Island*, and several small Islands contiguous, situated in the County of *Dukes County*.

## Preamble.

WHEREAS there have been of late great depredations made by gunners and hunters on *Tarpaulin Cove*, or *Naushon Island*, *Nennemessett Island*, and several small islands contiguous thereto, situate in the county of *Dukes County*, by which



which great numbers of sheep and deer have been killed, and other damages sustained. And whereas the few persons residing on said islands cannot give proper security to the stock thereon; and to provide an additional remedy in this behalf:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person or persons shall hereafter unlawfully take away, shoot, kill or destroy, or shall cause to be taken away, shot, killed or destroyed, any sheep or other flock or creatures, on either of the said islands, and shall be thereof convicted, every such person or persons shall, besides paying the value thereof, forfeit and pay a sum not exceeding *forty shillings*, nor less than *ten shillings*, for every sheep or other creature he or they may so take away, shoot, kill or destroy, or cause to be taken away, shot, killed or destroyed; the same to be recovered, with costs of suit, by action of debt before any court proper to try the same; and the sums so recovered shall one half thereof accrue to the prosecutor, and the other half for the use of the poor of the town in which said islands are or may be situated.

Persons unlawfully taking away, or destroying flock, subject to forfeiture, &c.

SECT. 2. *And be it further enacted,* That if any person or persons, (except such as shall have the special license of the proprietors of the said islands, or shall be able to shew sufficient reason therefor,) shall be seen with any gun or guns upon either of the said islands, other than that part of said *Naushon Island* at the extreme west end thereof, extending between the house there now occupied by *Shadrack Robinson*, and the shore of that island known as *Robinson's Hole*, such person or persons shall forfeit such gun or guns, or the value thereof, to any person or persons who will sue and prosecute therefor, to be recovered, with costs of suit, by action of trover before any court proper to try the same. And if any person or persons shall be found collecting, driving, or in any way molesting any of the sheep or creatures upon, and belonging to the said islands, or shall be found on either of the aforesaid lands with any skin, limb or carcass, and any sheep or other creature hath been there lately killed, and such person or persons, or his or their company may be reasonably suspected to have killed the same, such person or persons so found shall be deemed and adjudged guilty of such killing, and shall be liable for each and every sheep or other creature, which hath been there lately killed as aforesaid, to such penalty as is already provided in this Act against such killing; to be recovered with costs, by action of debt, and to accrue in like manner as aforesaid, besides being liable for the value thereof.

Gunning prohibited, without license.

Forfeiture.

Persons driving or molesting sheep, subject to penalty.

SECT.

SECT. 3. *And be it further enacted by the authority aforesaid,* That no person, by reason of being an inhabitant of the town to which such penalty shall accrue, shall be disqualified from being a witness in any suit or prosecution for any breach of this Act.

Proviso.

SECT. 4. *Provided nevertheless, and be it further enacted,* That any person or persons having suffered any penalty or forfeiture incurred by this Act, shall be exempted from any other penalty for the same offence.

[This Act passed January 30, 1790.]

An ACT ascertaining the Boundary Line between the Towns of *Egremont* and *Alford*, in the County of *Berkshire*.

Dividing line  
established.

*BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described line be in future established as the dividing line between the towns of *Egremont* and *Alford*, viz.—Beginning at a soft Maple Staddle, marked, standing on the west line of this Commonwealth, the same being the north-west corner of *Egremont*, and south-west corner of *Alford*; thence eastwardly in a straight line to the north-east corner of the original Indian grant of two hundred acres, made to *Peter Sharp*, on the west line of the town of *Great Barrington*; any other line or lines described in the incorporating Acts of said towns, to the contrary notwithstanding.

[This Act passed February 6, 1790.]

An ACT for repealing an Act made and passed in the Year of our Lord One thousand seven hundred and eighty-four, entitled, “An Act in addition to an Act for incorporating *Jonathan Gardner*, jun. and others therein named, into a Society by the Name of the Marine Society at *Salem*, in the County of *Essex*, in the Province of the *Massachusetts Bay* in *New-England*,” and also for altering the said Act of Incorporation.

Preamble.

*W*HEREAS by the representation of said Marine Society, it appears that the effects resulting from said Act, made and passed in the year of our Lord one thousand seven hundred and eighty-four, are not such as were expected, and that the benevolent views in instituting said Society will be greatly promoted should the said Act be repealed, and some alterations be made in the said Act of incorporation:

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Act, made and passed in the year of our Lord one thousand seven hundred and eighty-four, entitled, *Additional Act* "An Act in addition to an Act for incorporating *Jonathan Gardner, jun.* and others therein named, into a Society by the name of the Marine Society at Salem, in the county of *Essex*, in the province of the *Massachusetts Bay*, in *New-England*," be, and the same is hereby repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Marine Society may and shall have as full power and authority, at each of the monthly meetings of said Society for the purpose of electing and admitting members, as they have by said Act of incorporation, at their annual meeting on the last Thursday of *October*; provided that no person shall be elected and admitted as a member thereof, at any other meeting of said Marine Society than the said annual meeting on the last Thursday of *October*, unless two thirds of the members present at such meeting vote and be in favour of such admission. *Society invested with power. Proviso.*

[This Act passed February 8, 1790.]

An ACT to empower the Proprietors of the South Meeting-House in Salem, where the Reverend *Daniel Hopkins* officiates, to raise Money to defray ministerial and other necessary Charges.

**W**HEREAS application has been made to this Court by the Proprietors of the South Meeting-House in Salem, desiring that they may be empowered to raise money by an assessment or tax on the pews and seats in the said Meeting-House, to defray ministerial and other necessary charges: *Preamble.*

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the said Meeting-House be, and hereby are authorized and empowered to raise by an assessment or tax on the pews and seats in said Meeting-House, such sum or sums as shall be agreed upon by the Proprietors, or the major part of such of them as shall be assembled at any legal meeting called for that purpose, for the defraying the ministerial and other incidental charges; and at such meetings to choose all officers necessary to manage and transact all the business of the said propriety. *Proprietors empowered to levy a tax.*

And to the intent that such tax or assessment may be equitably made and duly collected:

SECT. 2. *Be it further enacted,* That the Proprietors of the said Meeting-House be, and hereby are empowered to — *To value pews, &c. cause*

cause the pews and seats in the said Meeting-House to be valued according to the convenience of said pews and seats, and their situation, and to put a new estimate on the pews and seats from time to time as shall be found necessary, and to determine how much each pew and seat, or part of a pew or seat, shall pay towards defraying the charges aforesaid, and the time and manner in which the same shall be paid; and appoint a Collector or Collectors to collect the sum or sums so agreed to be raised, who shall be sworn to the faithful discharge of his or their said trust: And if any proprietor or owner of a pew or seat in the said Meeting-House shall neglect or refuse to pay the sum or sums assessed thereon, after having twenty days notice thereof given him by the Collector or Collectors, the Proprietors of the said Meeting-House shall be, and hereby are empowered, by themselves or by their Committee, to sell or dispose of the pew or seat of such delinquent, according to the valuation thereof as aforesaid; and with the money raised by such sale, to pay the assessment or tax on said pew or seat remaining unpaid, together with the charges arising on the sale; the overplus, if any there be, to be returned to the owner thereof.

—To choose  
Collectors.

To dispose of  
pews, in case.

Proviso.

SECT. 3. *Provided nevertheless*, That when the owner of any pew or seat shall make a tender of the same to the Proprietors, or to their Committee, at the valuation aforesaid, and they shall refuse or neglect to accept the same, no sum shall be deducted out of the sale of said pew or seat, but such only as shall have become due before the making of such tender.

Richard Ward,  
Esq. to issue his  
warrant.

SECT. 4. *And be it further enacted*, That *Richard Ward*, Esq. be, and he hereby is empowered to issue his warrant to some principal Proprietor of said Meeting-House, requiring him to warn the Proprietors thereof to assemble and meet at such time and place as by said warrant shall be appointed, to choose all such necessary officers as by law are required to be chosen in the month of *March* or *April* annually.

[This Act passed February 15, 1790.]

An ACT for incorporating that Part of the Town of *Swansey*, known by the Name of *Shewamet*, in the County of *Bristol*, into a separate Town by the Name of *Somerset*.

Additional act  
June 20, 1793.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the lands hereafter described, and bounded as follows, viz. Northerly, partly on *Dighton*, and partly on the ancient *Swansey* line; eastwardly on *Taunton Great River*, so called; southerly on *Lee's River*, so called; westerly, partly on *Lee's River*, and partly on the ancient line

line of *Swanzey*, including all the lands formerly known by the *Shewamet* purchase, however otherwise the same may be bounded, with all the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Somerſet*; and the ſaid town is hereby inveſted with all the powers, privileges and immunities, to which towns within this Commonwealth are or may be entitled, agreeably to the Conſtitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted by the authority aforeſaid,* That the inhabitants of the ſaid town of *Somerſet* ſhall pay all the arrears of taxes which have been aſſeſſed upon them, together with their proportion of all debts now due from the ſaid town of *Swanzey*; and ſo in proportion, ſhall receive all dues and town ſtock whatſoever from the ſaid town of *Swanzey*; and that all perſons who were born on the ſaid *Shewamet* purchase, who may hereafter become chargeable for ſupport, and have not gained a legal ſettlemeut in any other town, ſhall be the proper poor and charge of the ſaid town of *Somerſet*; and that in the apportionment of all charges between ſaid towns, together with the poor now at the charge of *Swanzey*, the ſame ſhall be divided according to their proportion in the preſent valuation.

SECT. 3. *And be it further enacted by the authority aforeſaid,* That the inhabitants of the town of *Somerſet* ſhall forever hereafter ſupport and keep in good repair, their proportionable part of a bridge known by the name of *Miles's Bridge*, in the ſame proportion that the town of *Swanzey* and the town of *Somerſet* now pay in the preſent valuation.

SECT. 4. *And be it enacted by the authority aforeſaid,* That *Samuel Toby*, Eſq. be, and he hereby is empowered to iſſue his warrant, directed to ſome principal inhabitant, requiring him to warn and give notice to the inhabitants of the ſaid town of *Somerſet*, to aſſemble and meet at ſome ſuitable place in the ſaid town, to chooſe all ſuch town officers as towns are required to chooſe at their annual town meetings in the months of *March* or *April* annually.

[This Act paſſed February 20, 1790.]

An ACT to explain a certain Clauſe in an Act, paſſed in the Year of our Lord One thouſand ſeven hundred and eighty-three, entitled, "An Act to empower the Proprietors of the Meeting-Houſe in the Eaſt Pariſh in *Salem*, to raiſe Money by a Tax on the Pews and Seats in the ſaid Meeting-Houſe, to ſupport a Colleague to their preſent Miniſter, and making Proviſion for the Diſſolution of the ſaid Pariſh."

WHEREAS in the ſaid Act it is among other things provided, that the ſaid pariſh ſhould ceaſe to be a pariſh upon the death of the Rev. *James Diman*, then the miniſter

*Somerſet in-  
corporated.*

*To pay their  
proportion of  
juſt debts.*

*To ſupport  
their own poor.*

*Miles's Bridge.  
—Their pro-  
portion of re-  
pairs.*

*Samuel Toby,  
Eſq. empower-  
ed to warn a  
meeting.*

*July 5.*

*Preamble.*

minister of the said parish; in consequence of which provision, doubts have arisen whether the inhabitants of the said parish can sue or be sued, since the death of the said *James Diman*, for any cause or matter that originated in his life-time; to remove which doubts, and to prevent injustice:

Parish power  
respecting con-  
tracts, &c. re-  
tained.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said parish shall be construed to have continued, and shall continue to be a parish, for the purpose of suing and of being sued upon any contract made with or by the inhabitants of the said parish, in their corporate capacity, in the life-time of the said *James Diman*, and of prosecuting and defending such suit or suits unto final judgment and execution; and also for the purposes of voting, assessing and collecting any sums of money, which shall be necessary for paying the arrearages and expenses, which have arisen or shall arise respecting any such contract, or any suit thereupon, as fully and in the same manner as if the said *James* was now living; any thing which may be supposed to be in the said Act to the contrary hereof notwithstanding.

[This Act passed *February 22, 1790.*]

An ACT to set off *John Tuller* from the Town of *Sheffield*, in the County of *Berkshire*, and annex him to the Town of *Egremont*.

*John Tuller*,  
set off to the  
town of *Egre-*  
*mont*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *John Tuller*, with his farm, consisting of two hundred and ninety-six acres, bounding as followeth: Beginning on *Sheffield* west line, at a stake and heap of stones, the same being the north-west corner of *Orre Gordinieur's* land; thence running east five degrees and thirty minutes south fifty-nine chains, and twenty-nine links, to the southwest corner of *Isaac Vashbrough's* meadow; thence north thirteen chains fifty links; thence east five degrees thirty minutes south twenty chains seventy-one links to a stake and stones; thence north twenty-seven chains to an ash tree marked, standing on the south line of *Great-Barrington*; thence on said line west five degrees and thirty minutes, north eighty chains to the north-west corner of *Sheffield*, and south-west corner of *Great-Barrington*; thence on the west line of *Sheffield*, south thirty minutes, east sixty chains and fifty links, to the first mentioned bounds, with the houses and other buildings thereon, be, and they are hereby set off from the town of *Sheffield*, and annexed to the town of *Egremont*, and shall forever hereafter be considered as making part of the same.

Proviso.

SECT. 2. *Provided nevertheless,* That the said *John Tuller* shall be still holden to pay his proportionable part of all taxes already

already assessed upon him by the town of *Sheffield*, in like manner as though this Act had never been made ; and shall also pay his proportionable part of all State taxes that shall be laid on the town of *Sheffield*, previous to another general valuation being established.

[This Act passed February 22, 1790.]

An ACT in addition to, and for the explanation of, an Act passed in the Year of our Lord One thousand seven hundred and seventy-nine, entitled, "An Act for setting off a Number of the Inhabit- See Appendix. ants of the Town of *Methuen*, in the County of *Essex*, into a separate Parish."

**W**HEREAS the said Act has been and may be construed to Preamble. intend that all estates which the inhabitants of the said town of *Methuen*, lawfully establishing themselves as parishioners in the said parish, by the said Act erected, shall have purchased since the erection of the same, shall forever be set off and remain to that parish, although afterwards belonging to persons attending public worship in the other and elder parish of said town, which construction operates unjustly ; for remedy whereof,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the* To whom the benefit shall extend. said Act and the clauses thereof shall hereafter extend and be construed to extend to the estates of such persons as have established themselves as parishioners in the said second parish by the said Act erected, in their possession and improvement, and shall not be construed to extend to the estates of any persons belonging to the other and elder parish of the said town ; any clause in the said Act notwithstanding.

[This Act passed February 22, 1790.]

An ACT for incorporating certain Persons for the Purpose of erecting and maintaining several Booms in *Merrimack River*, and for stopping and securing the Logs and Lumber that shall be drifted down the said River.

**W**HEREAS it appears that the formation of a corporation Preamble. with power to stop and secure the lumber drifted down the river *Merrimack*, under proper regulations and restrictions, would promote the public interest, and be greatly advantageous to individuals :

SECT.

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**Proprietors.** **SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Parker Varnum, and James Varnum, of Dracut, Esquires, Samuel Follansbe, of Haverhill, Reuben Davis, John Ford and Daniel Coburn, of Chelmsford, Thomas Poor, of Methuen, Esquire, George Searle, and Joseph Tyler, Merchants, of Newbury-Port, Robert M'Gregore, of Goffstown, Esquire, and James Thornton, of Merrimack, in New-Hampshire, together with such others as may hereafter become proprietors in the booms which are or may be erected for the purposes aforesaid, be, and they are hereby constituted a corporation for the purpose of stopping and securing the lumber drifting down Merrimack River, otherwise than in rafts, by the name of the Associated Proprietors of Lumber in Merrimack River; and by that name to sue and prosecute and to be sued and prosecuted to final judgment and execution, and to do and suffer all matters and things which such bodies politic may or ought to do and suffer; and the said corporation have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

**Incorporated.**

**Their powers.**

**Manner of calling meetings.** **SECT. 2.** *And be it further enacted by the authority aforesaid, That the said corporation, or any five of them, may, by advertisement, posted up at some public place, in every town in which any of the said proprietors live, at the time such advertisement is posted up, call a meeting of the said proprietors, to be holden at some suitable time and place, not less than fifteen days after the posting up such advertisement; and the said proprietors, by a vote of the major part of them present or represented at such meeting, shall choose a clerk, who shall be duly sworn to the faithful discharge of the duties of his office, and they shall agree upon a method for calling future meetings of the said proprietors; and upon any application hereafter of other persons dealing in logs and lumber in the said river, to be associated with the said proprietors, the votes of not less than two-thirds of the proprietors present shall operate to exclude such person or persons from a participation in said propriety, they subscribing to the rules and regulations thereof. And the said proprietors be, and they are hereby empowered to erect, support and maintain such number of booms, in such places in the said river, as they shall judge necessary to answer the purposes aforesaid: *Provided*, That no such boom shall be erected in the said river, so as to stop, clog or hinder any public landing, ferryway, or the lawful right of improvement of any individual, or so as to prevent or obstruct the free and usual course of rafts down the said river; and the proprietors shall at some legal meeting appoint boom-masters to inspect and take care of the lumber stopped in the said booms, and may also choose*

**Clerk to be chosen.**

**Meetings how to be called in future.**

**Empowered to erect booms.**

**Proviso.**

**Boom masters to be appointed.**



choose and appoint any other officer or officers in the said corporation, and may make and establish such rules and regulations as they shall judge necessary for regulating the said corporation, and for effecting, completing and executing the purposes of this Act; and may enjoin fines or penalties for the breach of such rules and regulations, not exceeding *four pounds* for each offence, to be recovered in any Court proper to try the same; *Provided* such rules and regulations are not repugnant to the *Proviso*. Constitution or laws of this Commonwealth. And this Act, *A fair record* with all the rules, regulations and votes of the corporation, shall to be kept by the clerk. be fairly and truly recorded by the clerk, in a book or books to be provided and kept for that purpose.

SECT. 3. *And be it further enacted by the authority aforesaid,* Corporations That the said corporation may stop and secure, or cause to be empowered to stopped and secured, all the logs and other lumber, which shall stop logs or be drifted down the said river, otherwise than in rafts, in any until certain of the booms which have been or shall be erected for that purpose, or at such other places in the said river as they may think fees are paid. proper, and retain the same in the custody of the corporation, whether or not the property of the said associated proprietors, until the owner or owners of such logs or lumber shall pay to the respective boom-masters, or such other persons as the said corporation shall appoint for that purpose, the lawful fees for stopping and securing the same; and no log or other lumber shall be delivered by the boom-masters, or other persons appointed by the said corporation to secure the same, until it shall have been surveyed by a sworn surveyor of lumber; and if any logs or other lumber shall, by the said corporation, or any of their officers, be detained from the owners after they shall have tendered the boom-masters or other persons appointed to secure the same, the lawful fees therefor, the corporation shall pay to the owner or owners of such logs or other lumber double the value thereof, to be recovered in any court proper to try the same.

SECT. 4. *Provided nevertheless,* That all persons who may *Proviso*. choose to have their logs or lumber drifted by the falls of *Pattucket* on said river, by applying seasonably to the clerk of said corporation, and entering with him their names and the marks of such logs or lumber belonging to them, which they do not wish to have stopped above the said falls, the boom-masters and all others concerned under the said corporation in driving the lumber in said river, shall, as far as is in their power, let such logs and lumber pass down, the marks of which have been thus entered with the clerk: But if their logs or lumber should, notwithstanding, be caught and stopped in the booms aforesaid, such persons having thus entered their names and marks as aforesaid, shall be entitled, upon application to the boom-masters, to receive the logs and other lumber thus stopped without fee or reward;

reward; and the said boom-masters shall be obliged to render them such assistance as is in their power, to turn their logs and lumber out of the boom where they shall have been thus stopped.

SECT. 5. *And be it further enacted by the authority aforesaid, That* if any logs or other lumber shall remain in said booms or otherwise in the custody of the said corporation, which shall by them have been secured as aforesaid, which is not the property of the said associated proprietors, on the first Tuesday of *November* annually, the said corporation shall cause the same to be advertised at some public place, in the towns of *Newbury-Port, Haverhill, Andover, Chelmsford, Litchfield and Goffstown*, for the space of fifteen days at least, describing in such advertisements the number of logs and the admeasurement of each, with a description of the quality and quantity of other lumber so detained, with the marks thereon, and the places where the same are deposited, a copy of all such advertisements shall be entered in the clerk's book; and if after the expiration of the said fifteen days from the time of the posting up such advertisement, no person owning the same shall appear and pay the fees hereafter mentioned, and cost of advertisement, all such logs and other lumber shall be disposed of at public vendue, and the proceeds of such sale shall be retained and held by the said corporation for the term of one year thereafterwards; and any person who shall apply to the clerk, and prove his property in such logs or lumber within that time, shall be entitled to the overplus proceeds of his property, after deducting the lawful fees for stopping and securing the same and incidental charges; and if no owner shall appear within that time, the overplus of all such sales shall rest in the hands of said corporation until it shall amount to *thirty pounds*, or upwards; *provided* the clerk of said corporation shall annually return a certificate into the Secretary's office of this Commonwealth, specifying the sum thus accumulating from year to year, and in case of the neglect of said clerk's making an annual return as aforesaid, he shall forfeit and pay for every offence the sum of *ten pounds*; and when, and as often as the sum of *thirty pounds* shall be thus accumulated by the said corporation, they shall, and hereby are obliged to pay it into the treasury of this Commonwealth, there to be deposited in aid of any funds that may hereafter be raised to remove the obstructions to a free passage of logs and other lumber down the river *Merrimack* aforesaid; and upon application therefor to the Legislature, such sum or sums thus deposited in the treasury aforesaid, shall hereafter be appropriated for the purpose above-mentioned.

SECT. 6. *And be it further enacted by the authority aforesaid, That* the said corporation shall be entitled to receive of the respective

—Lumber remaining annually in the booms, how to be disposed of.

Proviso.

Sum deposited in the treasury.

How appropriated.

—Corporation fees.

spective owners of logs and other lumber by them stopped and secured as aforesaid, the following fees, otherwise than as is before excepted, *viz.* For each log above *Hunt's Falls*, *four pence*, and all other lumber in the same proportion. For each log below *Hunt's Falls*, and above *Osgood's Point*, (so called,) in *Andover*, *six pence*, and all other lumber in the same proportion. For each log below *Osgood's Point*, and above *Cottle's Ferry*, *seven pence*, and all other lumber in the same proportion. For each log below *Cottle's Ferry*, *eight pence*, and all other lumber in the same proportion.

SECT. 7. *And be it further enacted by the authority aforesaid,* Corporation empowered to assess. That the said corporation are hereby empowered to levy a tax on the several members thereof annually, for the purpose of defraying the expense they may incur in erecting booms, stopping and securing the said lumber, and driving the same down the said river, over and above the fees for stopping and securing the same; said tax to be assessed in the month of *February* or *March* annually, and in the same proportion that the several proprietors shall have had lumber secured by the said corporation the year preceding; and if any of the proprietors shall refuse or neglect to pay their proportion of the taxes assessed as aforesaid, for the term of twenty days after the same is presented to them for payment, the said corporation may sell at public vendue so much of such deficient proprietor's lumber as will pay the deficiency of his said tax and incidental charges.

[This Act passed *February 22, 1790.*]

An ACT empowering the Town of *Pembroke* to regulate and order the taking and disposing of the Fish called Alewives, within the Limits of the said Town.

WHEREAS the town of *Pembroke*, in the county of *Plymouth*, hath been at considerable expense and charge in opening a passage for the fish called Alewives, from the sea into the ponds called the Indian Ponds, being wholly within the bounds of the said town, it is but reasonable and just, that the ordering of the taking of the said fish, and the disposition of them, when taken, should be wholly vested in the said town: And whereas an Act heretofore made for that purpose has been found inadequate to the purposes thereby intended:

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* Town to determine times and places for catching fish. That it shall and may be lawful for the inhabitants of the said town of *Pembroke*, at a meeting legally and regularly assembled for that purpose, from time to time, and at all times hereafter, to determine and order how, in what manner, by whom, and

Forfeiture.

and at what place or places, time or times in the year, the said fish may be taken within the town aforesaid, and shall cause a copy of such order, attested by the town-clerk, to be posted up in some public place in said town, whereunto all persons shall conform, with respect to the taking and disposing of the said fish, on penalty that the offender against the same shall forfeit and pay a sum not exceeding *three pounds*, nor less than *forty shillings*, for each offence, at the discretion of the Justice before whom the same shall be tried.

Committee to be annually chosen.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the town of *Pembroke* shall be, and hereby are empowered and directed annually to choose three or more persons, being freeholders in the said town, to see that this Act be duly observed, agreeably to the directions of said town; and each person so chosen shall be sworn faithfully to discharge the duties required of him by this Act; and the said committee are hereby authorized and empowered, to cause the natural course of the stream, through which the said fish pass, to be kept open and without obstruction, and to remove any such as may be found therein; and the said committee or either of them, shall have authority for those purposes, to go on the land or meadow of any persons through which such stream runs, without being considered as trespassers; and any person who shall molest or hinder said committee, or either of them, in the execution of his or their office, or shall obstruct any passage-way in said rivers or stream within the said town of *Pembroke*, otherwise than may be allowed of by the said town, he or they shall forfeit and pay a fine for every such offence not exceeding the sum of *five pounds*, nor less than *three pounds*.

Their powers.

Persons deemed subject to forfeiture.

Certain cases.

SECT. 3. *And be it further enacted,* That if the committee, or either of them, shall detect any person or persons in attempting to take any of the said fish at any time, or in any place, or in any manner, otherwise than is allowed by the said town, or shall find such fish with such person or persons, they shall be deemed to have taken the said fish unlawfully, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear on trial, that they came by the said fish in some other way.

Committee empowered to open sluice-ways.

SECT. 4. *And be it further enacted,* That the said committee be empowered, and are hereby empowered and authorized, to open the sluice-ways through any dam or dams that are or may be erected within the town of *Pembroke*, on the stream leading out of the great ponds, at the expense of the owner.

Witnesses.

SECT. 5. *And be it further enacted,* That no person shall be considered as disqualified from being a witness on any trial that may be had pursuant to this Act, on account of his belonging to, or being an inhabitant of the said town of *Pembroke*.

SECT.

SECT. 6. *And be it further enacted*, That if any servant or minor shall be found taking any of said fish, in any wise contrary to this Act, or contrary to the rules and orders of said town of *Pembroke* as aforesaid; the parents, masters or guardians of such minors or servants, shall be liable for the fines and forfeitures incurred by the breach of this Act, or the rules and orders of the town aforesaid.

SECT. 7. *And be it further enacted*, That in case any poor or indigent person or persons shall be found taking any of the said fish contrary to this Act, or contrary to the rules and orders of said town of *Pembroke*, it shall be lawful for the committee or overseers of said brook, chosen as aforesaid, to take from such poor or indigent person or persons, their net or nets, with which they may be found taking said fish, and detain them in their custody for the space of one month, or until they do appear and pay the fines and forfeiture arising by the breach of this Act, and the orders of the town aforesaid: And in case the said poor person or persons do not appear, and pay the fines and forfeitures as aforesaid, within one month as aforesaid; the said net or nets shall be forfeited to and for the use of the poor of the said town of *Pembroke*.

SECT. 8. *And be it further enacted*, That no person or persons, at any time between the first day of *April* and the fifteenth day of *June* annually, shall enter the river commonly called and known by the name of *Barker's River*, above where said river adjoins to *Indian Head River*, so called, with an intent to drive, seine, or otherwise disturb the fish in said river, where the tide ebbs and flows, on penalty of *five pounds* for each offence, to be recovered in manner hereafter mentioned.

SECT. 9. *And be it further enacted*, That no person or persons shall presume to set, draw or cast any seine, drag or set-net, of any dimensions whatsoever, in the *North River*, so called, except on the Monday and Friday of each week; and that between the sun's rising and setting of each day; and that no seine, drag, or set-net, shall be set, drawn or cast in said river above what is commonly called and known by the name of the third *Herring Brook*, or *Smelt Brook*.

SECT. 10. *Provided nevertheless*, That the inhabitants of the several towns adjoining the said river, are hereby permitted and allowed to set, set-nets, or scoop-nets, at *North River Bridge*, so called, on the Monday and Friday evenings of the said days in each week; from eight of the clock in the afternoon, to ten of the clock in the evening of the same day; between the first day of *April* and the fifteenth day of *May* annually, on the penalty of *five pounds* for each offence.

SECT. 11. *And be it further enacted*, That all fines and forfeitures, accruing for any breach of this Act, shall be, one half to the use of the poor of the said town of *Pembroke*, and the other

Parents or guardians to be answerable for servants or minors.

Clause respecting the breach of this act, by indigent persons.

Penalty.

Days appointed for setting nets, &c.

Proviso.

Fines how disposed of.

other half to him or them, who shall prosecute and sue for the same ; to be recovered by action of debt, in any court proper to try the same.

Former laws repealed. And all former laws heretofore made for the regulation of the Alewife fishery, in the town of *Pembroke*, are hereby repealed.

[This Act passed *February 26, 1790.*]

Additional acts,  
Mar 21, 1793.  
Feb. 27, 1794.  
Feb. 7, 1803.  
Mar 9, 1804  
Taking of salmon prohibited during the winter months.  
June 20, 1795.

An ACT to regulate the catching of Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose.

Laws repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Act passed in the year of our Lord one thousand seven hundred and eighty-three, entitled, "An Act to regulate the catching salmon, shad and alewives, and to remove and prevent obstructions in *Merrimack River*, and in the other rivers and streams running into the same within this Commonwealth, and for repealing several Acts heretofore made for that purpose," together with the several subsequent Acts in addition thereto, be, and hereby are repealed ; except so far as may relate to any action, indictment or information which have been already commenced for the breach of the same.

Time and days allowed for taking of fish.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no person or persons whatever be allowed, from and after the passing this Act, to catch any salmon, shad or alewives in any part of *Merrimack River*, or in any river or stream centering to, and running into the same, within this Commonwealth, oftener or more than three days in a week ; the days to be *Monday, Tuesday and Wednesday* in each week, and from sunrise on *Monday* morning, to sunrise on *Thursday* morning. And if any person or persons shall catch any salmon, shad or alewives in *Merrimack River*, or any river or stream centering to, or running into the same, or shall drag any seine or drag-net, or set any net or pot, or use any other machine for the purpose of catching any of the said fish in the said rivers and streams, and within this Commonwealth, at any other time or place than by this Act is allowed, each and every person so offending shall forfeit and pay for each offence, a fine not less than *thirty shillings*, nor more than *four pounds*, at the discretion of the Court before which trial shall be had, according to the aggravation of the offence ; and the seine, net, pot or other machine so used shall be forfeited.

Persons offending to be fined.

SECT.

SECT. 3. *And be it further enacted by the authority aforesaid,* Persons ob-  
That if any person or persons shall erect any obstruction or in- structing the  
cumbrance, in or across the said *Merrimack River*, or any of passage of fish,  
the rivers or streams running into the same, or continue such subject to pen-  
as are already erected, so as to prevent the free passage of the alty—  
said fish up and down the said rivers and streams, he or they so  
offending shall forfeit and pay a fine of *twenty pounds*.

SECT. 4. *And be it further enacted by the authority aforesaid,* Prohibited  
That no person or persons, from and after the passing this Act, from taking fish  
shall at any time catch any salmon, shad or alewives, with seines, at the entrance  
nets, or pots, or any other way, at the mouth or entrance of the of rivers, &c.  
aforesaid rivers or streams, (or within eighty rods of the same,  
up such rivers and streams, nor in the mouth of *Concord River*,  
below *Tyler's* and *Spaulding's* mill-dam) in which such fish  
usually go up to cast their spawn, nor in any pond from which  
such rivers or streams proceed, nor in any brook or rivulet that  
run into such ponds; and any person or persons so offending, Penalty.  
shall for each offence forfeit and pay a fine not less than *thirty*  
*shillings* nor more than *four pounds*, at the discretion of the court  
before which trial shall be had, according to the aggravation of  
the offence; and the seine, net, pot or other machine used in  
catching the same shall be forfeited.

SECT. 5. *And be it further enacted by the authority aforesaid,* Forfeiture for  
That if any person or persons shall fish with a seine or net ex- fishing contra-  
ceeding eighteen rods in length, or extend more than one seine ry to law.  
or net on the same fishing ground, at one and the same time, he  
or they shall for each offence forfeit and pay a fine of *four*  
*pounds*, and such seines or nets shall be forfeited.

SECT. 6. *And be it further enacted by the authority aforesaid,*  
That from and after the passing this Act, every town in this  
Commonwealth, bordering on *Merrimack River*, and in which  
there are any ponds, rivers or streams centering to, or empty-  
ing themselves into *Merrimack River*, where salmon, shad or  
alewives do, or would (if not obstructed) go up to cast their  
spawn, shall at their annual meeting in the month of *March* Fish wardens  
or *April* annually choose by ballot at least four suitable and to be appoint-  
fit persons as fish-wardens; whose duty it shall be jointly and ed annually.  
severally to see that this Act, and the Act for keeping open —Their duty.  
sluice-ways in dams, be carried into effect, and to inform against  
any person or persons that shall offend against the said Acts,  
and to examine and measure seines and nets used in catching  
the said fish, and to see that all obstructions in the rivers and  
streams aforesaid, be removed, and to prosecute all breaches of  
the said Acts. And all persons chosen fish-wardens as afore- To be sworn.  
said shall be sworn to the faithful discharge of the duties of  
their office; and when so sworn, they shall have power to pur-  
sue, and they are hereby authorized to pursue and execute the  
duties of their said office, in any town or place within this

Forfeitures.

Commonwealth where this Act can operate or have force. And if any person chosen as aforesaid shall refuse or neglect to be sworn to the faithful discharge of the duties of the said office, he shall forfeit and pay a fine of *forty shillings* for the use of the poor of such town, to be recovered by the Town-Treasurer; and such town shall proceed to a new choice, and so *toties quoties*. And any person who shall prevent any fish-warden from measuring any seine or net which shall be used for the purpose of taking fish in the said rivers and streams, shall forfeit and pay the sum of *four pounds*. And if any of the towns aforesaid shall neglect to choose fish-wardens annually, agreeably to the true intent of this Act, such town shall forfeit and pay a fine of *fifty pounds*, for the use of the county in which such delinquent town lies.

Persons held  
guilty of a  
breach of this  
act—subject to  
penalty.

SECT. 7. *Be it enacted*, That if any fresh salmon, shad or alewives shall be found with, or in the possession of any person or persons whatever within three miles of any of the said rivers or streams, and within this Commonwealth, at any other time than that allowed by law for catching the said fish in the said rivers and streams; such person or persons shall be held and accounted in law, to be guilty of catching such fish contrary to the true intent and meaning of this Act, and shall pay a fine accordingly; unless such person or persons shall make oath in the court before whom trial is had, that the said fish were actually caught within the time allowed by law for catching the same, or make proof who was the person or persons that caught such fish, or who sold the same.

Proviso.

SECT. 8. *Provided always*, That every Justice of the Peace to whom complaint shall be made against any person or persons for having in his or their possession, any fresh salmon, shad or alewives as aforesaid, shall, before he issue his warrant against the person or persons complained of, cause the complainant to make oath to his complaint, and that he really believes such fish were caught at a time prohibited by law for catching the same.

Persons authorized to make  
seizures.

Persons opposing or preventing  
such officer  
in his duty—  
subject to a pen-  
alty.

SECT. 9. *And be it enacted*, That any of the said fish-wardens, grand-jurors, sheriffs, deputy-sheriffs or constables, shall have a right to seize any seine, net, pot or other machine, employed in any of the said rivers or streams, for the purpose of catching the said fish, at any other time or place than such as are allowed by this Act. And any person or persons that shall prevent such fish-warden, grand-juror, sheriff, deputy-sheriff, or constable, from such seizure, or shall rescue any seine, net, pot or other machine from such officer, when seized, shall, on conviction thereof before a Justice of the Peace, pay a fine not less than *thirty shillings* nor more than *four pounds*, and shall be liable to answer to the seizing officer in an action of trespass, for double the value of such seine, net, pot or other machine.

SECT.



SECT. 10. *And be it further enacted*, That when any seine, net, pot or other machine, shall be employed for the purpose of catching fish, at any time or place not allowed by this Act, and shall be seized by any of the officers aforesaid, it shall be the duty of such officer to give information to some Justice of the Peace within the county wherein such seine, net, pot or other machine was found employed as aforesaid; a copy of which information, containing the time when and place where such seine, net, pot or other machine was seized, shall, by order of such Justice, be posted up in some public place in each of the two towns next adjoining the place where such seine, net, pot, or other machine was seized, and also a notification to all persons interested in such seine, net, pot, or other machine to appear before the said Justice, at a time therein named, (which shall be within fourteen days, and shall not be less than seven days from the time of posting up the notification) to shew cause, if any they have, why such seine, net, pot or other machine should not be forfeited; and if upon trial the claimer or claimers shall produce sufficient evidence, that he and they were ignorant of the unlawful use of their seine, net, pot or other machine, and shall give information of the person or persons unlawfully using the same, the seine, net, pot or other machine seized as aforesaid, shall be restored to the claimer or claimers thereof: And the person or persons convicted of using the same without the consent of the owner, shall, in addition to the penalty in this Act provided for fishing on days not herein allowed of, pay another fine of *twenty shillings* each, or suffer imprisonment in the common gaol not exceeding twenty days; but in all cases where the owner or owners shall not produce evidence of the person or persons offending, their seine, net, pot or other machine shall be adjudged forfeited.

When seizure is made—the officer to give information to a Justice of the Peace.

To appear and shew cause.

Restoration, in case.

Penalty.

SECT. 11. *And be it enacted*, That on complaint made to any Justice of the Peace for the county where any offence against this Act shall be committed, against any person or persons for breach of this Act, or upon view of any Justice of the Peace, such Justice is hereby empowered to issue his warrant, directed to a proper officer, to apprehend such offender or offenders, and bring him or them before him, or some other Justice of the Peace in the same county, to answer for the offence.

Justice empowered to issue his warrant, on complaint.

SECT. 12. *And be it enacted*, That all fines and forfeitures incurred by breach of this Act, where the fine, exclusive of the seine, net, pot, or other machine, used in such breach, doth not exceed *four pounds*, shall be recovered before any Justice of the Peace in the county where the offence is committed; an appeal being allowed to either party to the Court of General Sessions of the Peace next to be holden in and for the same county;—*Provided* such appeal is claimed in opened court, within one hour after judgment is declared. *Provided also*, That the appeal-

Fines and forfeitures recoverable.

Appeal allowed.

Proviso.  
lantt

In case of conviction, and no appeal.

lant recognize with sufficient sureties, to prosecute his appeal to effect, and abide the final judgment thereon; and the Justice shall bind over the witnesses against such offending person or persons; and in case of conviction before the Justice and no appeal had, the person or persons so convicted shall, upon neglect to pay to the Justice the fine so laid on him or them, and legal costs, be committed to the gaol of the county, there to remain until payment be made; and all fines upwards of *four pounds*, exclusive of the fine, net, pot or other machine, shall be recovered by bill, plaint or information, in any court within this Commonwealth proper to try the same.

Duty of officers, respecting this act.

SECT. 13. *And be it enacted*, That it is hereby made the duty of all grand jurors, sheriffs, deputy sheriffs and constables, diligently to inquire after and duly to prosecute all breaches of this Act. And the testimony of any fish-warden, duly chosen and sworn as aforesaid, grand jurors, sheriff, deputy sheriff or constable under oath, in court, shall be sufficient evidence to convict any person of a breach of this Act, unless such testimony be invalidated by other sufficient witnesses.

Fines and forfeitures, how disposed of.

SECT. 14. *And be it enacted*, That all fines and forfeitures incurred by breach of this Act, not otherwise appropriated, shall enure, the one moiety thereof to the poor of the town where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

Proviso.

SECT. 15. *Provided always*, That the said fish may be taken in the mouth of *Concord River*, with nets and seines below *Tyler's* and *Spaulding's* mill-dam, two days in a week, the days to be *Tuesday* and *Wednesday*, from sunrise on *Tuesday* to sunrise on *Thursday*.

Powers of officers chosen by this act.

SECT. 16. *And be it enacted*, That the fish officers which may be chosen by virtue of the Acts which this Act repeals, by any town prior to their knowledge of this Act, shall have and exercise the same powers as are delegated to fish-wardens by this Act.

[This Act passed March 4, 1790.]

An ACT for repealing the last Paragraph of an Act passed in the Year of our Lord One thousand seven hundred and eighty-four, entitled, "An Act for creating a District in the County of *Suffolk*, by the Name of *Dover*," and for annexing the said District of *Dover* with the Town of *Medfield*, for the Purpose of choosing Representatives for the future.

Clause repealed.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the before-mentioned paragraph, so far as it respects the said district of *Dover* joining with the town

town of *Dedham* in the choice and pay of Representatives, be, and hereby is repealed: And that the inhabitants of said *Dover* be, and hereby are annexed to the said town of *Medfield*, for the purpose of choosing Representatives hereafter; so that the Representatives may be chosen by the inhabitants of said town of *Medfield* and district of *Dover*, in either of the same.

*Dover* annexed to *Medfield*, for certain purposes.

SECT. 2. *And be it further enacted*, That the selectmen of the said town of *Medfield*, fifteen days at least before the time for choosing a Representative for said town of *Medfield*, shall give notice of the time and place by them appointed for the purpose, in writing, under their hands, to the selectmen of the said district of *Dover*, to the intent, the selectmen of said district may issue their warrant to the constable or constables of their said district to warn the inhabitants thereof to meet with the said town of *Medfield*, at the time and place so appointed, for the choice of a Representative.

SECT. 3. *And be it further enacted*, That the said district of *Dover* shall be subjected to pay their rateable part of the expense of such representation from and after the first of *April* next.

Time of its taking place.

[This Act passed *March 4, 1790.*]

An ACT for setting off *Benjamin Chase*, his Family and Estate, from the Town of *Freeport*, and annexing them to the Town of *Brunswick*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Benjamin Chase*, together with his family and estate, be, and the same are hereby set off from the said town of *Freeport*, and annexed to the town of *Brunswick*, there to enjoy town privileges, and to pay town charges that may arise therein.

*Benj. Chase & family* annexed to the town of *Brunswick*.

SECT. 2. *Provided nevertheless*, That the said *Benjamin* be held to pay unto the said town of *Freeport* his just proportion of all taxes and debts now due from said town of *Freeport*, excepting the said *Benjamin's* proportion of the settlement and ordination of the Reverend Mr. *Johnson*, lately ordained therein.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said *Benjamin* shall continue to pay his proportion of the State and County taxes to the said town of *Freeport* as heretofore, until a new valuation shall be taken of the rateable property in this Commonwealth, and no longer.

Subject to taxation as heretofore, conditionally.

[This Act passed *March 4, 1790.*]

# An ACT for naturalizing John Jarvis, and others therein named.

Naturalization of John Jarvis and others.

**W**HEREAS John Jarvis, Lewis Leprilete, John Fowler, Alexander McDonald, William Welch, Peter le Mercier, and his children, Polly Eugenia, Sophia Cecile, and Peter Oliver, Thomas Lane, William Cleland, John Pennell, John Bond, John Montgomery, James Green, Nathan Kelley, Stephen Jones, Thomas Ramsden and John Sockman, have petitioned the General Court that they may be naturalized, and be entitled to all the rights and privileges of free citizens of this Commonwealth :

To take the oath of allegiance.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Jarvis, Lewis Leprilete, John Fowler, Peter le Mercier, and his children, Polly Eugenia, Sophia Cecile, and Peter Oliver, Alexander McDonald, William Welch, Thomas Lane, William Cleland, John Pennell, John Bond, John Montgomery, James Green, Nathan Kelley, Stephen Jones, Thomas Ramsden and John Sockman, first taking and subscribing the oath of allegiance to this Commonwealth before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.

Justices to return a certificate.

SECT. 2. *And be it further enacted,* That the Justices before whom the persons afore-named may respectively take the oath aforesaid, shall return a certificate of the same into the Secretary's office, to be entered on the records of this Commonwealth.

[This Act passed March 6, 1790.]

Repealed as to Charlestown, June 24, 1790.

Preamble.

## An ACT limiting the operation of Lotteries.

Limitation of Lancaster lottery.

**W**HEREAS several lotteries have by Acts of the Legislature been granted ; and whereas it has become expedient that the operation of the said lotteries should be speedily closed :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Act granting a lottery for rebuilding and making good the public bridges and causeways in the town of Lancaster, be, and hereby is limited to the drawing of the next intended, *viz.* the fourteenth class in the said lottery, which shall not exceed the amount of the present class ; and the rights and privileges granted in the said Act shall, after drawing the said class, cease and determine.

—Of other lotteries.

SECT. 2. *Be it enacted by the authority aforesaid,* That all Acts heretofore passed and now in force, granting to any person or persons the right of raising money by lottery or lottery, which Acts are not limited in their operation to any particular period

period of time, are hereby repealed, excepting only the Act above-mentioned, and the Acts granting lotteries to the town of *Charlestown*, and to the Free-School of *Williamstown*, which shall cease and be repealed on the first day of *July* next, and the Act granting a lottery for the benefit of *Leicester Academy*, which shall cease and be repealed on the first day of *January* next.

SECT. 3. *Provided nevertheless, and be it further enacted by the authority aforesaid*, That the Acts aforesaid shall be so far continued and considered to be in force, as to hold the Managers thereof, and all other persons concerned therein, to account for the money and other property they have received, or may receive previously to the time limited for the operation of the said lotteries respectively, from the proceeds of such lottery or lotteries, and be answerable for their conduct in managing the same, in as ample a manner as though this Act had never been passed.

Provide.

Respecting former acts.

[This Act passed *March 6, 1790.*]

An ACT for incorporating the southerly Part of the Town of *Plympton*, in the County of *Plymouth*, into a Town by the Name of *Carver*.

Additional act,  
Feb. 3, 1793.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the lands hereafter described, viz. Beginning at the west line of the town of *Kingston*; thence running west so as to strike the head of *Auesnapet Brook*, so called; thence continuing the same course, on a straight line to the north side of the land of *James Vaughan*; thence the same course to the line of the town of *Middleborough*, (it being the dividing line between the north and south precincts, in the said town of *Plympton*;) thence on the line of the said town of *Middleborough*, till it comes to the line of the town of *Wareham*; thence on the line of the said town of *Wareham*, till it comes to the line of the town of *Plymouth*; thence on the line of the said town of *Plymouth*, till it comes to the line of the town of *Kingston* aforesaid; thence on said *Kingston* line, to the first mentioned bound, with all the inhabitants dwelling on the lands above described, be, and they are hereby incorporated into a town by the name of *Carver*; and the said town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth are or may be entitled, agreeable to the Constitution and laws of this Commonwealth.

Boundaries.

Carver incorporated.

SECT. 2. *Be it further enacted by the authority aforesaid*, —To pay all That the inhabitants of the said town of *Carver* shall pay all the arrears of taxes which have been assessed upon them, and their

arrears of taxes.

—To support  
poor.

their proportionable part of the tax granted in *March* last, together with their proportion of all debts that are now due from the said town of *Plympton*, and shall support any poor person or persons, who have heretofore been inhabitants of that part of *Plympton* which is now *Carver*, and shall not have obtained a legal settlement elsewhere ; (when they may become chargeable,) and such poor person or persons may be returned to the town of *Carver*, in the same way and manner that paupers may by law be returned to the town or district to which they belong.

—To receive  
their propor-  
tion of all debts,  
&c.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of *Carver* shall be entitled to receive their proportion of all debts and monies due to the said town of *Plympton*, and also their proportionable part of all the laboratory stores, and common and undivided lands belonging to the said town of *Plympton*, agreeably to the last State tax assessed upon the said town.

Person empow-  
ered to issue his  
warrant.

SECT. 4. *And be it further enacted by the authority aforesaid*, That *Ephraim Spooner*, Esq. be, and he is hereby empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Carver* to assemble and meet at some suitable place in the said town, as soon as conveniently may be, to choose all such officers as towns are required to choose at their annual town meetings in the months of *March* or *April* annually.

[This Act passed June 9, 1790.]

## An ACT to incorporate a Society by the Name of the *Episcopal Protestant Society* in *Marshfield*.

Episcopal Pro-  
testant Society  
incorporated in  
Marshfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Sylvanus White*, *John White*, and *Ephraim Little*, Church Wardens, and *Noah Hatch*, *Thomas Little*, and *James Little*, Vestrymen, with the other Proprietors of *Trinity Church*, in the town of *Marshfield*, and their successors, be, and they hereby are incorporated into a Society or Body-Politic, by the name of the *Episcopal Protestant Society in Marshfield* ; and the said Society are hereby invested with full power and authority to assess and collect of the members belonging to said Society, for the purpose of maintaining the public worship of God therein, such monies as shall be necessary for that purpose ; and they are hereby vested with all such powers, privileges and immunities, as the Congregational societies do or may enjoy by the laws of this Commonwealth.

Person empow-  
ered to issue  
his warrant.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Samuel Oakman*, Esq. be, and he hereby is empowered to issue

issue his warrant, directed to some principal proprietor, requiring him to warn the proprietors of said Church, to assemble and meet at some suitable time and place in the said town of *Marysfield*, to choose all such officers as other incorporated religious societies are required to choose, at their annual meeting in the month of *March* or *April*.

[This Act passed June 9, 1790.]

An ACT to empower the Town of *Fryeburg* to exchange Part of the Parsonage Land for other Land in said Town.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of *Fryeburg*, with the consent of the Rev. *William Fessenden*, the present Minister of the said town, be, and they hereby are empowered to make and execute a good and lawful deed of the first division, upland lot, belonging to the parsonage right in said town.—*Provided* they shall receive for the aforesaid parsonage lot, from the present owner of the first division, upland lot, originally laid out to the right of *John Russell*, in said *Fryeburg*, a good and sufficient deed of said lot, to the use of the said town, as a parsonage forever.

[This Act passed June 14, 1790.]

An ACT in addition to an Act, entitled, “An Act to set off to the Patentees and other Purchasers, certain Lands on the Island of *Chapequiddick*, in the County of *Dukes County*, and finally to adjust and determine all disputes between the said Patentees and other Purchasers, and the Indians on the said Island, and to prevent Cattle, Horses, Sheep, Goats and Swine, from going at large on the said Island, at certain Seasons of the Year.”

Jan. 26, 1789.  
Additional Act,  
June 16, 1796.

**W**HEREAS it is provided in and by said Act, that the said patentees and other purchasers shall be at the whole and sole charge and expense of making, maintaining and repairing the division fence or fences, between the lands of the said Indians, and the land of the said patentees and other purchasers; and no time being set in said Act when the said fence or fences shall be erected:

SECT. I. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing this Act, if the patentees and other purchasers aforesaid shall neglect

Preamble.  
Forfeiture, in  
the case of neglect  
of patentees and  
purchasers after  
a certain time.

lect or refuse to erect and keep in repair, a lawful fence on the dividing line between the said patentees and other purchasers, and the said Indians, beginning at the harbour, at low water mark, and from thence running by the east side of the land formerly owned by *Thomas Arcy*, and so to continue on the divisional line, on the west side of the road, until it comes to the east side of the land, set off for the use of the Indians aforesaid, and from thence on the said dividing line, into the pond called *Cape Poge Pond*, where there shall be two feet of water at low water, for the term of four months after being duly notified by the guardians of the said Indians, for the time being, the person or persons so neglecting or refusing, shall forfeit and pay the sum of *three pounds*, for each and every month he or they shall neglect or refuse to erect and keep in repair a fence as aforesaid; all the forfeitures accruing by this Act shall be recoverable by any two of the guardians for the time being, in any Court proper to try the same; and the money arising from any forfeitures in this Act shall be for the use of the poor Indians on said island.

Appropriation.

What notification shall be deemed lawful.

SECT. 2. *And be it further enacted*, That a notification writing, under the hands of any two of the said guardians, notifying them, the said patentees and other purchasers, to erect a fence as abovementioned, and left with the clerk of the said patentees and other purchasers, shall be deemed and taken to be a lawful notification for the purposes aforesaid.

Preambles.

And whereas in the Act to which this is an addition, cattle, horses, sheep, goats and swine, are to run at large on said island, from the twenty-fifth day of *October*, to the twenty-fifth day of *April*, yearly, and no provision is made in said Act, to which this is an addition, to regulate and proportion the stock, and pasturage on said island, owned between the patentees and other purchasers, and the Indians aforesaid, to the great damage of the Indians and their property :

Guardians authorized in case of neglect of the aforesaid proprietors.

SECT. 3. *Therefore be it further enacted by the authority aforesaid*, That if said patentees and other purchasers shall neglect to erect and keep in repair, a fence as aforesaid, being notified as aforesaid, or shall refuse or neglect to agree with the said guardians for the time being, for the better improvement of the said Indians' lands and meadows, so long as they shall remain in common and unfenced, it shall and may be lawful for any one of said guardians, or any other person whom the said guardians shall appoint for that purpose, to take up, at any time in the year, any cattle, horses, sheep, goats and swine, going at large on any of the said Indians' lands or meadows, set off for their use, and them impound in a pound to be provided for that purpose, and there to detain them until the owners thereof pay to the said guardians the same sum or sums of money for each and every head of cattle, horses, sheep, goats and swine, as is provided in the Act to which this is an addition; and upon non-payment thereof, the said guardians,



guardians, or some other person or persons, whom they shall appoint, shall proceed to sell the same at public auction, first causing notifications to be posted in some public place on said island, expressing the time, place and cause of said sale, at least four days previously thereto; and after deducting the necessary charges of impounding, supporting and selling the same, the overplus of the same, if any there be, shall be returned to the owners of the creatures thus impounded, if known, or if not known, shall be lodged with the clerk of the said patentees and other purchasers, for the use of such owners; and if any action shall be brought against said guardians or any of them, or any other person or persons by them appointed for impounding or selling the cattle, horses, sheep, goats or swine, by virtue of this Act, he or they against whom such action is brought, may plead the general issue, and give this Act in evidence for their justification.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the patentees and other purchasers aforesaid shall erect and maintain said fence or fences, and regulate the stock and pasturage, agreeably to a law of this Commonwealth, made and passed the twenty-first of *February*, in the year of our Lord one thousand seven hundred and eighty-six, entitled, “An Act concerning general and common fields.”

Patentees, &c.  
to govern  
themselves agreeably to a  
late law.

And whereas in the said Act to which this is an addition, it is provided, that a road of two rods wide, from the bounds by the harbour, and by the east side of the land formerly owned by *Thomas Arey*, to the east side of the Indians' land, and from the bounds by the harbour, westerly to the point of land near the town, shall be an open way, and such provision is found by experience to be prejudicial as well to the English patentees, as to the Indians; for remedy whereof,

Preamble.

SECT. 5. *Be it further enacted,* That said road of two rods wide, shall hereafter be through gates and bars; any thing in the Act to which this is an addition, to the contrary notwithstanding.

Width of the  
road, &c.

[This Act passed June 19, 1790.]

An ACT for the Preservation and Increase of the Fish called Alewives, in *Acquesnet River*, in the Town of *New-Bedford*, in the County of *Bristol*, and for regulating the taking the said Fish, in the said River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the owner or owners of each and every mill-dam on the said river, shall make, provide and continue a sluice-way of two feet wide, and eight inches deep for the said fish to pass their respective dams, as low as the Selectmen

Owners of the  
river to provide  
sluice-ways.

of

Time when to  
be opened.

of the said town of *New-Bedford* shall judge convenient for the said fish to pass in; and the Selectmen of the said town of *New-Bedford* are hereby authorized, on the second Monday of *April*, annually, to open the said sluice-ways, which when opened by them, shall remain open until the twentieth day of *May* annually; and the owner or owners of any dam on the said river, who shall neglect or refuse to make, provide and continue a sluice-way, as aforesaid, or who, after such sluice-way is opened as aforesaid, shall shut or obstruct the same, during the term the said sluice-way is to be kept open as aforesaid, shall forfeit and pay the sum of *forty pounds* for each offence.

Forfeiture.

Inspectors  
chosen.

—Their duty.

SECT. 2. *And be it further enacted*, That the said town of *New-Bedford*, at their annual meeting for the choice of town officers, in the months of *March* or *April* annually, are hereby authorized to choose a Committee, consisting of not more than twelve nor less than three suitable discreet persons, for inspectors of the said river; whose duty it shall be within four days after their appointments to post up in four public places in the said town, nearest the said river, a notification under their hands or the major part of them, pointing out the times when, and places where the said fish may be taken, in the said river; and if any person shall pull down or deface such notification, he or she shall for each offence, forfeit and pay *ten shillings*; and if such Committee shall neglect or refuse to post up such notification within the said term of four days, such Committee shall forfeit and pay *ten shillings*; and any person who shall presume to take any of the said fish in the said river, except at the times and places appointed by the said Committee as aforesaid, shall forfeit and pay *three pounds* for each offence.

Forfeiture.

Forfeitures.

—How recovered.

SECT. 3. *And be it further enacted*, That if any person or persons shall make any wears or any other obstruction to hinder the passage of the said fish up the said river, each person so offending shall forfeit and pay the sum of *four pounds*; and any person who shall take or catch any of the said fish in the said river with any other instrument than a dip-net, shall forfeit and pay *forty shillings* for each offence.

Validity of agreements.

SECT. 4. *And be it further enacted*, That all the forfeitures mentioned in this Act shall accrue to the said town of *New-Bedford*, to be recovered by the Treasurer of the said town, in an action of debt, in any Court proper to try the same; and no person shall be considered as disqualified from giving evidence in any such action, on account of his living in, or being an inhabitant of the said town of *New-Bedford*.

SECT. 5. *And be it further enacted*, That any agreement which may be made and entered into, between the said town of *New-Bedford*, and the owner or owners of any dam on the said river, with regard to the premises, shall be good and valid in law.

[This Act passed June 19, 1790.]

An ACT to set off *John Tippet* from the Second to the First Parish in *Methuen*.

*BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Tippet*, of *Methuen*, in the county of *Essex*, be, *John Tippet* and he hereby is set off, from the second parish in said *Methuen*, <sup>set off.</sup> together with all his estate both real and personal, and annexed to the first parish in *Methuen*, there to do duty and receive privileges in the aforesaid first parish in *Methuen*.

[This Act passed June 21, 1790.]

An ACT for incorporating a Number of the Inhabitants of the Towns of *New-Gloucester* and *Gray*, in the County of *Cumberland*, into a distinct and separate religious Society.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Woodman*, *Isaiah Woodman*, *Ebenezer Lake*, *John Warren*, *Thomas Wharff*, *Elias Merrill*, *Jabez True*, *Simon Noyes*, *William True*, *Thomas Penny*, *Robert Herrin*, *John Stenchfield*, *Ephraim Stenchfield*, *Eliphalet Haskell*, *John Tufts*, *Nathaniel Bennett*, *Joseph Raynes*, *Stephen Washburn*, *Josiah Smith*, *William Irish*, *Job Haskell*, *Jonathan Bennett*, *Joseph Woodman*, *Nathan Merrill*, *Asa Libby*, *John Stenchfield*, *David Woodman*, *David Mackintier*, *Adam Colton*, *Solomon Atwood, jun.* *Ebenezer Whitmarsh*, *Thomas Frank*, *James Humphrey*, *William Delley*, *Jeremiah Hayden*, *John Nash*, *Joseph Weeks*, *Elijah Nash*, *Nathan Morse*, *Hosea Morse*, *George Small*, *Levi Morse*, *David Jordan*, *John Morse*, *Samuel Stowell*, *Reuben Stowell*, *Richard Sweetser*, *Jabez Mathews*, *Timothy Waymouth*, *James Russell*, *Nathaniel Russell*, *John Dolly*, *James Small*, *David Hunt*, *Timothy Foog*, *Timothy Foog, jun.* *James Frank*, *Stephen Astens*, *Benjamin Libby*, *Amariah Delano*, *Francis Jackson*, *Andrew Libby*, *William Davis*, *Andrew Libby, jun.* *Moses Libby*, *Asa Libby, jun.* *Oliver Humphries*, *David Nash*, *John Humphrey*, *Arthur Libby*, *Joel Libby*, *Isaac Lion*, and *Joseph Merrill*, members of the said religious society, together with their polls and estates, be, and they are hereby incorporated, by the name of The Baptist Religious Society of *New-Gloucester*, and *Gray*, with all the privileges, powers and immunities which any parish in this Commonwealth is by law entitled to.

SECT. 2. And be it further enacted by the authority aforesaid, That any and every person in either of the towns of *New-Gloucester* or *Gray*, who may at any time hereafter actually become a member of, and unite in religious worship with any society in either of said towns, and give in his or her name to the Selectmen of the town where he or she lives, with a certificate

certificate signed by the Minister of the society to which he or she hath so united, fourteen days previous to the town-meeting therein, to be held in the month of *March* or *April*, annually, shall, from and after such meeting, with his or her polls and estates, be considered as a member of such society.

Justice authorized to issue his warrant. SECT. 3. *And be it further enacted by the authority aforesaid,* That *William Wedgery*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of the said society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble at some suitable time and place in either of the said towns of *New-Gloucester* or *Gray*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in said society.

[This Act passed June 23, 1791.]

### An ACT for the Relief of the Town of *Charlestown*.

Preamble.

WHEREAS the General Court of this Commonwealth did grant a sum of money to be raised by lottery, to the town of *Charlestown*, to enable the said town to pay the expense of amending and altering the streets, lanes and squares, in said town; and the inhabitants of the said town have represented to this Court, that they are still largely in debt, in consequence of the alteration of said streets:

Clause in a former law repealed. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the clause in the Act for limiting the operation of lotteries, passed in the last session of the General Court, so far as it respects the operation of the lottery heretofore granted to the town of *Charlestown*, be, and it hereby is repealed.

[This Act passed June 24, 1790.]

### An ACT to set off *Peter Larkin*, with his Family and Estate, from the Town of *Lancaster* to the District of *Berlin*.

Peter Larkin and family set off.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Peter Larkin* of *Lancaster*, in the county of *Worcester*, with his family and estate, be, and hereby are set off from the said town of *Lancaster*, and annexed to the district of *Berlin*, in the said county of *Worcester*, and shall hereafter be considered as part of the same, there to do duty and receive privileges, as the other inhabitants of the said district.

SECT.

SECT. 2. *Provided nevertheless*, The said *Peter Larkin* shall *Proviso.* be held to pay his proportion of all such State and county taxes, as shall be laid by the Legislature, upon said town of *Lancaster*, before the settlement of another valuation; the passing of this Act notwithstanding.

[This Act passed February 8, 1791.]

An ACT to repeal in Part an Act, entitled, "An Act *March 10, 1788.* to prevent the Destruction of Fish called Shad and Alewives, in *Ten* and *Three Miles Rivers*, in the County of *Bristol*.

**W**HEREAS the Act, entitled, "An Act to prevent the *Preamble.* destruction of fish called shad and alewives, in *Ten* and *Three Miles Rivers*, in the County of *Bristol*, appears not to be of public utility, so far as the same Act respects the said river called *Three Miles River*.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the said Act to prevent the destruction of the fish called shad and alewives, in *Ten* and *Three Miles Rivers*, shall be, and the same is hereby repealed and declared to be null and void, from the time of passing this Act, as to all matters therein required or authorized, to be done respecting the river called *Three Miles River*, saving only, that all acts and doings heretofore lawfully performed by virtue of the said Act shall and may be justified thereby, this repeal notwithstanding. *Laws repealed in part.*

[This Act passed February 11, 1791.]

An ACT to incorporate the Plantation of *Cambden*, in the County of *Hancock*, into a Town by the Name of *Cambden*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the author- Cambden incor- porated.* ity of the same, That the said plantation called *Cambden*, included within the following boundaries, *viz.*—Beginning at a *Boundaries.* rock marked A. X. on the sea-shore, at the north side of *Owl's-Head Bay*, at south-east corner of *Thomastown* line; thence running north-west-by-north seven miles, sixty-four poles, to a maple stake marked on four sides, and pile of stones; thence running north-east-by-east, five miles ninety-four poles, to a beach tree, marked on four sides; thence running east three miles and an half, and twenty poles to a spruce tree marked on four sides; thence running south-east-by-south one mile to a fir tree, marked on four sides, at *Little-Duck-Trap*,  
in

in *Penobscot-Bay*; thence by the sea-shore, in a westerly direction to the bounds first mentioned; together with the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of *Cambden*; and that the said town be, and hereby is vested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Oliver Parker*, Esq. of *Penobscot*, be, and he hereby is empowered to issue his warrant, directed to some principal inhabitant of the said town of *Cambden*, requiring him to notify the inhabitants thereof to meet at such time and place as he shall therein appoint, to choose all such officers as towns are by law required to choose, at their annual meetings in the month of *March* or *April*.

[This Act passed *February 17, 1791.*]

An ACT to incorporate and establish a Society by the Name of the Humane Society of the Commonwealth of *Massachusetts*.

Preamble.

**W**HEREAS it is the duty of government at all times to countenance and support its citizens in their exertions for alleviating the distresses of their fellow-men: And whereas divers persons have petitioned this Court for an Act of incorporation, whereby they may more effectually carry into execution their benevolent designs:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Hon. *Thomas Russell*, Esq. *Jonathan Mason*, Esq. *John Warren*, M. D. Rev. *Simcoo Howard*, D. D. Rev. *Samuel Parker*, D. D. *John Avery*, jun. Esq. Rev. *John Lathrop*, D. D. Rev. *Peter Thacher*, Rev. *John Clark*, Doctor *Thomas Welsh*, *Aaron Dexter*, M. D. and Mr. *Nathaniel Balch*, together with all those who now are, and such others who shall become members thereof, be, and they are hereby erected into, and made a body politic corporate forever, by the name of the *Humane Society* of the Commonwealth of *Massachusetts*.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Corporation are hereby declared and made capable in law, of having, holding, purchasing and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands, tenements or other estate, real and personal; (provided that the annual income of the said real and personal estate shall not exceed the sum of *four thousand pounds*)—and also to sell, alien, devise or dispose of the same estate, real and personal, not using the same in trade or commerce.

SECT.

SECT. 3. *And be it further enacted by the authority aforesaid,* Their powers,  
That the said Corporation shall have full power and authority  
to make, have and use a common seal, and the same to break,  
alter and renew at pleasure ; that it shall be capable in law to  
sue and be sued, plead and be impleaded, answer and be an-  
swered unto, defend and be defended in all courts of record  
or other courts or places whatsoever, in all actions real, per-  
sonal and mixed, and to do and execute all and singular other  
matters and things that to them shall and may appertain to do.

SECT. 4. *And be it further enacted by the authority aforesaid,*  
That the said Corporation may make, establish and put in ex- —To establish  
ecution, such laws and regulations as may be necessary to the laws, &c.  
government of said Corporation, provided the same shall in no  
case be repugnant to the laws and Constitution of this State.  
And for the well governing of the said Corporation, and the  
ordering their affairs, they shall have such officers as they shall  
hereafter from time to time elect and appoint ; and such offi- —To appoint  
cers as shall be designated by the laws and regulations of the officers.  
said Corporation for the purpose, shall be capable of exercising  
such power for the well governing and ordering the affairs of  
the said Corporation, and calling and holding such occasional  
meetings for that purpose, as shall be fixed and determined  
by the said laws and regulations.

SECT. 5. *And be it further enacted by the authority aforesaid,*  
That the end and design of the institution of the said Society —Institution.  
is, for the recovery of persons who meet with such accidents  
as produce in them the appearance of death, and for promot-  
ing the cause of humanity, by pursuing such means from time  
to time as shall have for their object the preservation of hu-  
man life, and the alleviation of its miseries.

SECT. 6. *And be it further enacted,* That the place where  
the first meeting of the said Society shall be held, shall be the  
town of *Boston* ; and that the Hon. *Thomas Russell*, Esq. be, Hon. Thomas  
and he hereby is authorized and empowered to fix the time Russell, Esq.  
for holding the said meeting, and to notify the same to the empowered to  
members of the said Society, by causing the same to be pub- call a meeting.  
lished in one of the *Boston* newspapers, fourteen days before  
the time fixed on for holding the said meeting.

[This Act passed February 23, 1791.]

An ACT to set off the north-westwardly Corner of  
*Framingham*, in the County of *Middlesex*, and to  
annex the same to the Town of *Marlborough* in  
the same County.

SECT. 1. *BE it enacted by the Senate and House of Representa-*  
*tives, in General Court assembled, and by the au-*  
*thority of the same,* That the lands hereinafter described, viz.

All

Part of Fram-  
ingham annex-  
ed to Marlbor-  
ough.

All the lands belonging to *Framingham*, lying west of a line, beginning at the north-westerly corner of *Framingham*, on *Sudbury* line; thence running southerly as the line now runs between *Sudbury* and *Framingham*, to the southwesterly corner of *Sudbury*; thence southerly a straight line to the south-easterly corner of *Marlborough*, with all the inhabitants now living on the said lands, viz. *Jonathan Robertson*, and his wife, and *Patience*, his daughter, and *Mary Brown*, his grand daughter, the widow of *Amos Darling* and *Anns* and *Daniel* her children, *Jonas Darling* and his wife, *William*, *Etham*, *Justin*, *Darius* and *Lydia*, their children, be, and they are hereby set off from the town of *Framingham*, and annexed to the town of *Marlborough*, and shall forever hereafter be considered as making part of the same.

Provide.

SECT. 2. *Provided nevertheless*, That the said lands with the inhabitants thereon shall be still holden to pay their proportionable part of all taxes already assessed upon them by the town of *Framingham*, in like manner as though this Act had never been made; and shall also pay their proportionable part of all State taxes, previous to another general valuation being established.

[This Act passed February 23, 1791.]

An ACT for the more effectual carrying into Execution the Laws regulating the Alewife Fishery in *Mattepoiset River*, in the Town of *Rochester*.

Inspectors  
be sworn.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That each and every person who, according to law, shall be chosen an inspector of *Mattepoiset River*, shall, within six days after his being notified by a Constable of the town of *Rochester* of his being so chosen, take the following oath before the Clerk of said town, or some Justice of the Peace for the county of *Plymouth*, viz.

Oath.

YOU, *A. B.* being chosen an inspector of *Mattepoiset River* for the year ensuing, DO SWEAR, that you will prosecute all breaches of the laws for the regulating the alewife fishery in said river, the year ensuing, which shall come to your knowledge. So help you God.

Forfeiture in  
case of neglect.

SECT. 2. *And be it further enacted*, That if any person who shall be chosen an Inspector of said river, as aforesaid, shall neglect to take said oath for the space of six days after he is notified of his being so chosen as aforesaid, he shall forfeit to the use of the said town of *Rochester*, thirty shillings, to be recovered by the Treasurer of said town, in an action of debt in any court proper to try the same.

[This Act passed February 23, 1791.]

An



An ACT to incorporate the Plantation of *Kenduskee* into a Town by the Name of *Bangor*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, viz. Beginning at a stake and stones on the bank of *Penobscot River*, on the westerly side thereof, near *Simon Crosby's*, and at the corner of *Township Number One*, in the first range; thence running north-west, about two hundred rods, to a small birch tree; then west on the north line of *Number One*, first range, two miles and an half, to a poplar tree; then north by *Number Two*, the second range, six miles to a poplar tree; thence east six miles, to a large white pine tree standing in a great bog; thence south thirty-three degrees east, three miles and an half, to a small poplar on the bank of *Penobscot River*, then down the said river, to the first mentioned bounds, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Bangor*, and the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may enjoy by law.

Bangor incor-  
porated.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Jonathan Eddy, Esq.* be, and he is hereby empowered and required to issue his warrant, directed to some suitable inhabitant of the said *Bangor*, to meet at some convenient time and place to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

Jonathan Eddy,  
Esq. empower-  
ed to call a  
meeting.[This Act passed *February 25, 1791.*]An ACT to establish an Academy in the Town of *Hallowell*, by the Name of *Hallowell Academy*.Additional Act,  
March 2, 1793

**W**HEREAS the encouragement of literature, among the rising generation, has ever been considered by the wise and good as an object worthy of the most serious attention, as the safety and happiness of a free people ultimately depend upon the advantages arising from a pious, virtuous and liberal education: And whereas it appears, from a petition of a large number of inhabitants in the county of *Lincoln*, that a sum of money has been generously subscribed by a number of the inhabitants of the town of *Hallowell*, and its vicinity, towards erecting a public building for the purpose of an Academy in said town; and that such an institution, besides encouraging the interest of literature and the sciences, and diffusing useful knowledge in that part of the country, may otherwise essentially promote the interest of the Commonwealth:

Preamble.

SECT.

Hallowell  
Academy.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Hallowell*, in the county of *Lincoln*, an Academy by the name of *Hallowell Academy*, for the purpose of promoting true piety and virtue, and for the education of youth in the *English, Latin, Greek and French* languages, together with writing, arithmetic, and the art of speaking; also practical geometry, logic, philosophy and geography, and such other of the liberal arts and sciences, or languages, as opportunity may hereafter permit, and as the Trustees hereinafter provided shall direct.

Trustees.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Hon. *Thomas Rice*, the Hon. *Jonathan Bowman*, the Hon. *Nathaniel Thwing*, the Hon. *Dummer Sewall*, the Hon. *Daniel Coney*, the Hon. *Waterman Thomas*, the Hon. *William Lithgow, jun.* Esquires, Rev. *Josiah Winslip*, Rev. *Alexander McLean*, *William Brooks*, A. M. *Henry Dearborn*, *Charles Vaughan*, *Samuel Dutton*, *Henry Sewall*, *Edmund Bridge*, *William Howard*, *Robert Page*, and *Samuel Nichols*, Esquires, *Nathaniel Dummer* and *James Carr*, Gentlemen, be, and they hereby are nominated and appointed Trustees of the said Academy, and they are hereby incorporated into a body politic, by the name of *The Trustees of Hallowell Academy*; and they and their successors shall be and continue a body politic and corporate by the same name forever.

Property to be  
vested in the  
Academy.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all the lands and monies heretofore subscribed, or which may hereafter be subscribed, which by a legal instrument hereafter made shall be given, granted and assigned by the subscribers, unto the Trustees of *Hallowell Academy*, shall be confirmed to the said Trustees, and to their successors in that trust forever; for the uses and purposes, and upon the trust, which in the said instruments shall be expressed: And the Trustees aforesaid, their successors, and the officers of said Academy are hereby required, in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of this institution.

Seal.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of the said Academy; and they shall have power and authority to break, change and renew the said seal from time to time, as they shall see fit; and they may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Hallowell Academy*.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said *Thomas Rice, Esq.* and others, the Trustees aforesaid, and their survivors and successors shall from time to time, have full power and authority to elect a President, Vice-President and Treasurer, a Preceptor, and all such other officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules for the good government of the said Academy, as to them, the said Trustees and their successors, shall from time to time, according to the various occasions and circumstances, seem most fit and requisite ; all which shall be observed by the officers, scholars and servants of the said Academy, upon the penalties therein contained.

SECT. 6. *Provided nevertheless,* That the said rules, laws and orders be no ways contrary to the laws of this Commonwealth : And *provided also,* That the said rules or orders shall not grant or establish to the said Trustees, their heirs or successors, any peculiar or exclusive advantages to be enjoyed by them or their assigns, from the funds of the said Academy.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the number of the Trustees aforesaid, and their successors, shall not at any one time be more than twenty-one, nor less than twelve, a major part of whom shall constitute a quorum for transacting business ; and a major part of the members present at any legal meeting, shall decide all questions that shall come before them, except in the instance herein after mentioned ; and that a major part shall consist of men who are not inhabitants of the town where the seminary is or may be situate.

And to perpetuate the succession of the said Trustees,

SECT. 8. *Be it further enacted by the authority aforesaid,* That as often as one or more of the Trustees of the said *Hallowell Academy* shall die or resign, or in the judgment of the major part of the other Trustees be rendered, by age or otherwise, incapable of or unfit for discharging the duties of his office, then and so often the Trustees then surviving or remaining, shall elect one or more person or persons to supply the vacancy or vacancies.

SECT. 9. *Be it further enacted by the authority aforesaid,* That the Trustees aforesaid, and their successors, be, and they here- by are rendered capable in law to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real and personal : *Provided,* That the annual income of the said real estate shall not exceed the sum of *five hundred pounds* ; and the annual income of the personal estate shall not exceed the sum of *two thousand pounds*, both sums to be valued in silver at the rate of *six shillings and eight pence* the ounce ; to have and to hold the same to them the said Trustees and their successors forever.

SECT.

Provido.

SECT. 10. *Provided always*, That neither the said Trustees nor their successors shall ever receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of this institution. And all deeds and instruments which the said Trustees may lawfully make, shall, when made in the name of the said Trustees, and signed and delivered by the Treasurer, and sealed with the common seal, bind the said Trustees and their successors, and be valid in law.

Empowered to  
remove the  
seminary in  
#asc.

SECT. 11. *And be it further enacted by the authority aforesaid*, That if it shall hereafter be judged, upon mature and impartial consideration of all circumstances, by two-thirds of all the Trustees, that for good and substantial reasons, which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded; in that case, it shall be in the power of the said Trustees to remove it accordingly, and to establish it at such place within the said county of *Lincoln*, as they shall judge to be best calculated for carrying into effectual execution the intention and true design of this institution.

Daniel Cony,  
Esq. empower-  
ed.

SECT. 12. *And be it further enacted*, That *Daniel Cony*, Esq. be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to certify them thereof.

[This Act passed March 5, 1791.]

Additional  
Acts, March  
11, 1797, June  
19, 1798.

An ACT for incorporating a certain Part of the Town of *Lee* into a School District by the Name of the *Hopland School District*.

Preamble.

**W**HEREAS it appears to this Court, that certain lands lying in that part of the town of *Lee*, which formerly belonged to the town of *Great-Barrington*, in the county of *Berkshire*, were appropriated for the use and support of schools, which lands by the Act of incorporation of the said town of *Lee* are reserved to the said town of *Lee* :

And whereas it also appears that the said town of *Lee* have, since their being incorporated as aforesaid, relinquished their right in said lands (so far as respects the support of schools in the said town of *Lee*) to those persons who do now, and who may hereafter reside on the same lands :

And whereas, in order to carry the good design of the appropriation aforesaid into effect, it is found necessary, that the persons residing on the said lands should be incorporated into a school district as aforesaid :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the inhabitants now living on the aforesaid lands,

lands, or that may hereafter live on the same, with all their estates, be, and they hereby are incorporated into a School District, by the name of, *The Hopland School District*, in the town of *Lee*, as aforesaid. Hopland School district incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the inhabitants of the said *Hopland School District* be, and they hereby are vested with all the privileges, powers and immunities necessary for enabling them to use and improve all the monies, that have or may arise in consequence of the aforesaid appropriations, for the support of a school or schools in the said *Hopland School District*; but the said inhabitants are still to be considered as belonging to the said town of *Lee*, in every respect, saving their being subject to be taxed to the support of schools in the other parts of said town. Their powers.

SECT. 3. *And be it further enacted by the authority aforesaid*, That *Ebenezer Jenkins*, Esq. be, and he hereby is empowered to issue his warrant, directed to some one principal inhabitant of the district aforesaid, requiring him to warn a meeting of the inhabitants of the district aforesaid, qualified by law to vote in district affairs, to assemble at some time and place within the said *Hopland School District*, to be mentioned in the same warrant, for the purpose of choosing such officers as may be necessary for transacting the affairs of the district aforesaid, so far as respects schools only, according to the power and authority given by this Act; and the said inhabitants qualified as aforesaid, being so assembled, shall be, and they hereby are empowered to choose such officers as may be necessary for the purpose aforesaid. Eben. Jenkins, Esq. empowered.

SECT. 4. *Provided always*, That the inhabitants of the aforesaid *Hopland School District* shall keep, maintain and support within the said district, their proportionable part of all schools, by law hereafter required to be kept, maintained and supported within the aforesaid town of *Lee*. Provide.

[This Act passed March 7, 1791.]

An ACT in addition to, and to amend and explain an Act, passed the seventh Day of *July*, Seventeen hundred and eighty-four, entitled, "An Act for erecting a District in the County of *Suffolk*, by the Name of *Dover*."

WHEREAS disputes have subsisted respecting the dividing line between the said district of *Dover* and the town of *Dedham*; for the preventing of which in future, Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following lines, viz. Beginning at a corner

Boundaries.

corner of the town of *Walpole*, near *Bubling Brook*, so called, where it crosses *Medfield* road; thence running a straight line to the westerly end of the house-lot of *Nathaniel Richards*, deceased, and by said house-lot to *Charles River*, shall be forever hereafter understood, perambulated and taken, and hereby is established, to be the dividing line between the said town of *Dedham* and district of *Dover*, any thing in the said former Act to the contrary hereof notwithstanding.

Proviso.

SECT. 2. *Provided always*, That this Act shall not be considered to affect the collecting of taxes now assessed within said town and district, but the same shall be demanded and collected in the same manner as though this Act had never passed.

[This Act passed *March 7, 1791.*]

### An ACT for regulating the Fishery in *Connecticut River*.

Times appointed for catching fish.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person or persons shall, between the fifteenth day of *March* and the fifteenth day of *June*, in any year, set or draw any seine or seines, or any other machine, for the purpose of catching fish in *Connecticut River*, or in any river or stream falling into the same, from the rising of the sun on Saturday morning until the rising of the sun on Tuesday morning. And every person that shall be convicted of any breach of this Act shall forfeit the sum of *ten pounds*, and also the value of the seine and other machines or utensils used in fishing as aforesaid, to be recovered by any person who shall sue for the same before any court having jurisdiction thereof. And all Acts heretofore made for regulating the fishery in the rivers and streams aforesaid, are hereby repealed.

Penalty.

[This Act passed *March 7, 1791.*]

### An ACT for incorporating a Number of Inhabitants of the Town of *Windham*, in the County of *Cumberland*, into a Religious Society.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Ichabod Hanson, Daniel Pettingill, Jacob Elliot, Jacob Elliot, jun. Peter Bolton, Ezekiel Hanson, James Bolton, Joseph Hutchinson, Samuel Hutchinson, John Muckford, Robert Muckford, Eben Proctor, William Proctor, Richard Shane, Samuel Hanson, William Hanson, Andrew Twombly, Joseph Elder, Ezra Hanson, Charles Elder, Simon Lore, Moses Pattengill, Josiah Webb, Daniel Crockett, Richard Stevens, Robert Millions, Jonathan Stevens, Thomas Millions, John Windship,* Richar

*Richard Windship, Gersham Windship, Thomas Crague, Joshua Windship, Joseph Chesly, Ichabod Hanson, jun. Samuel Lord, Stephen Hutchinson, Nicholas Anthoine, Josiah Austin, William Mayberry, Jonathan Robbards and Samuel Robbards*, the petitioners, together with their families and estates, be, and they hereby are incorporated into a religious Society, by the name of *The Baptist Society in the Town of Windham*, with all the privileges, powers and immunities which any parish or corporate religious society in this Commonwealth is entitled to by law.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Josiah Thatcher*, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said Society, directing him to warn the members thereof to assemble at some suitable time and place in said town, to choose such officers as are required by law to be chosen by parishes in the month of *March* or *April* annually, and to transact all such matters and things as may be necessary, and can legally be done in said Society.

*Josiah Thatcher, Esq. to issue his warrant.*

[This Act passed March 7, 1791.]

An ACT for incorporating a Number of Inhabitants of the Town of *Gorham*, in the County of *Cumberland*, into a distinct Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *George Thombs, Enoch Waite, Ebenezer Hamblin, Nathaniel Stevens, Daniel Mann, Samuel Crocket, jun. Charles Thombs, Lemuel Hicks, Barnabas Bangs, jun. Thomas Bangs, William Burton, Gershom Hamblin, Isaac Elder, Nathaniel Freeman, Samuel Thombs, Andrew Cobb, Barnabas Bangs, William File, Eliza Strout, George Hamblin, Jonathan Freeman, James McCorsen, Amos Rich, James Ross, Ebenezer Bangs, Lemuel McCouren, John Ward, Ebenezer Cotton, Joel Sawyer, David Elvil Morton, Ebenezer Morton, James Morton, Nathan Hunscom, Christopher Plumer, Isaac Irish, Isaac Plumer, John Haskel, jun. Reuben Libbee, Edward Webb, Joseph Hodgdon, John Lombard, John Carsley, John Carsley, jun. Thomas Bolton, Jeremiah Clement, William Bolton, Daniel Gammon, William Lakeman, Ephraim Crocket, Pelatiah Crocket, Thomas Paine, Benjamin Cate, James McIntosh, Reuben Elder, Benjamin Chamberlain, Ebenezer Cobb, Samuel Elder, Samuel Warren, Micah Whitney, James Gilkey, Hart Williams, and Jonathan Crocket*, members of the said religious Society, together with their families and estates, be, and they hereby are incorporated by the name of *The Baptist Religious*

*Persons incorporated.*

*Religious Society of Gorham, with all the privileges, powers and immunities to which other parishes in the Commonwealth are by law entitled.*

Method of pro-  
cedure, in or-  
der to be con-  
sidered mem-  
bers.

SECT. 2. *And be it further enacted, That every person in the town of Gorham, who shall, at any time hereafter, actually become a member of, and unite in religious worship, with any Society in said town, and give in his or her name to the Selectmen of the town, with a certificate signed by the minister of the Society to which he or she is so united, purporting that the same person is a member of, and unites in religious worship with such Society, fourteen days previous to the town-meeting therein, to be held in the month of March or April annually, shall, from and after such meeting, with his or her families and estates, be considered a member of such Society.*

Joshua Thatch-  
er, Esq. to issue  
his warrant.

SECT. 3. *And be it further enacted, That Joshua Thatcher, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town, to choose such parish officers as are by law required to be chosen in the month of March or April annually, and to transact all such matters and things as are necessary, and may legally be done in said Society.*

[This Act passed March 7, 1791.]

Additional Act  
March 6, 1802.

An ACT for incorporating the Members of the Episcopal Church in the Town of Portland into a Religious Society.

Preamble.

WHEREAS a number of persons in the town of Portland, who belong to the Episcopal Church in said town, have petitioned this Court to be incorporated into a religious Society, for the purpose of carrying on the public worship of God, in said place, according to the Episcopal form and faith, and for other purposes, mentioned in their petition; and it appearing reasonable to this Court, that the prayer thereof should be granted:

Persons incor-  
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Wait, John Thorlo, Nathaniel Padre Fosdick, James Fosdick, Alexander Motley, Francis Wait, Thomas Oxnard, Shirley Erving, Stephen Deblois, Nathaniel Coffin, John Rudberg, Samuel Waite, William Waite, John Merrill, Joshua Rogers, Stephen Waite, Thomas Waite, Thomas Motly, William Tate, George Tate, Edward Oxnard, Joseph Riggs, jun. Thomas Fosdick,*



*dick, Benjamin Wait, jun. John Wheelwright Greateon, John Baker, jun. Benjamin Waite, Thomas Robison, John Kent, Samuel Tate, David Braddish, John Lowther, Alford Butler, Peter Warren, John Thorlo, jun. Pelatiah Fernald, Samuel Mountford, Jeremiah Coffin, John Bailey, James Corry, and Samuel Mountford, jun.* the petitioners and members of said Episcopal Society, together with their polls and estates, be, and they are hereby incorporated into a Religious Society, by the name of *The Episcopal Church in the Town of Portland*, with all the privileges, powers and immunities, which any parish or corporate religious Society in this Commonwealth is entitled to, by the laws and constitution thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Wardens and Vestry of said Church, and their successors in said office, be, and they are hereby authorized and empowered to make sale, and dispose of any land, tenements or hereditaments, belonging to said Church, to any person who may wish to purchase the same, in fee simple, and to make and execute good and sufficient deeds in law of the same, and to lease, or otherwise dispose of the same, in the name and behalf of the proprietors of said Church, as to them shall seem necessary, agreeably and in conformity to the votes of the proprietors of said Church.

Wardens and Vestry empowered.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *Daniel Davis, Esq.* be, and he is hereby authorized to issue his warrant, directed to some principal member of said Church, requiring him to warn the members of said Church and Society, to meet at some suitable time and place in said town, to choose such Officers or Committee, as the said Society may deem necessary for governing the religious and secular concerns thereof, and to transact all matters and things necessary, and which may legally be done in the said Society.

Daniel Davis, Esq. to issue his warrant.

[This Act passed *March 7, 1791.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Taunton*, into a Parish by the Name of *The First Congregational Society in the Town of Taunton.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Congregational Inhabitants within the town of *Taunton*, in the county of *Bristol*, who usually attend the public worship of God, in the Old Meeting-House, so called, in said town, be, and they are hereby incorporated into a parish, by the name of *The First Congregational Society in the Town*

Society in the Town

*Town of Taunton*, with all the privileges and immunities, exercised by other, and similar Societies and Corporations, within this Commonwealth.

And in order to prevent and remove any doubts or disputes, which may hereafter arise, in distinguishing who do belong to, and are taxable, to the support of the ministry, in said Society :

Method of  
procedure, in  
order to be-  
come mem-  
bers.

SECT. 2. *Be it further enacted by the authority aforesaid,* That it shall, and may be lawful for said Society, (if they shall think proper) by a major vote, in a legal meeting to be warned for that purpose, to make it requisite, for those who are inclined to belong to the same Society, to lodge their names with the Clerk of the said Society, who shall enter the same in a book, to be kept for that purpose ; and all persons, who shall cause their names to be entered as aforesaid, shall be held, deemed, and taken to belong to said Society, and liable to pay their proportion of all taxes, that shall be assessed on them, in either of the ways provided by this Act, until they shall signify their intentions of leaving said Society, to the Clerk thereof, in writing, declaring such their intentions, and shall also lodge a certificate with the said Clerk, signed by the Clerk of some other religious Society of a different denomination, setting forth, that they have actually joined the last mentioned Society, and become members thereof.

Proviso.

SECT. 3. *Provided nevertheless,* That if any person, who shall be assessed in any tax, agreed upon by said Society for the support of the minister thereof, and other incidental charges, shall not, previous to the granting said tax, declare his intentions of leaving said Society, in the way and manner herein before prescribed, he shall be held to pay the same, notwithstanding he shall signify his intentions of leaving the same Society, after said tax is granted, and prior to the collection thereof.

Method of  
making pro-  
visional sup-  
port.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for said Congregational Society, to raise money by taxing the pews in any meeting-house where the said Society shall meet for public worship, for the support of their minister, and such other expenses as they shall think necessary, whenever a majority of the pew-holders, together with a majority of those who are not pew-holders, belonging to said Society, by a major vote, shall deem it expedient, and do agree to the same.

Society em-  
powered re-  
speeing their  
estate.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the members of said Congregational Society are hereby authorized and empowered to take into possession all the lands, or other estate, that by any way or means doth be-  
long

long to said Society ; and to dispose of the use or income of the same, in any way, for the use of said Society, as shall by them be judged most conducive to the interest and benefit of the same.

SECT. 6. *And be it further enacted*, That *George Godfrey and Apollos Leonard*, Esquires, or either of them, are hereby empowered and directed to issue his or their warrant to some principal member of said Society, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose all such officers as are necessary for transacting the business of said Society.

*George Godfrey and Apollos Leonard, Esq's. to issue warrant.*

[This Act passed March 8, 1791.]

An ACT appointing Commissioners, on the Part of this Commonwealth, for ascertaining the Boundary Line, between this Commonwealth, and the State of *Connecticut*.

**W**HEREAS it is represented to the General Court of this Commonwealth, that contentions and disputes have arisen between some of the citizens of this Commonwealth and those of the State of *Connecticut*, respecting the Boundary Line, between this Commonwealth, and such State : To prevent which in future, and to promote harmony and affection between the citizens of the two respective States,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Honorable *John Worthington, Nathaniel Gorham, and Samuel Lyman*, Esquires, be, and they hereby are appointed Commissioners on the part of this Commonwealth, for ascertaining the boundary line, between the same and the State of *Connecticut* ; and the said Commissioners are hereby authorized and empowered to meet such Commissioners as may be appointed, and vested with similar powers, for the purpose aforesaid, by the Legislature of the State *Connecticut*, and, in conjunction with them, to ascertain, run, and mark such boundary line : And the Commissioners hereby appointed, on the part of this Commonwealth, are authorized and empowered to agree upon such principles, respecting the running of the said line, as, from the best documents they can obtain, may appear to them just and reasonable ; which line, when so ascertained, forever afterwards shall be considered and held to be the just and true boundary line of jurisdiction between this Commonwealth, and the said State of *Connecticut*. And the Commissioners hereby appointed on the part of this Commonwealth, are authorized to employ such surveyors and chain-bearers, as they may think proper, to assist in duly ascertaining

Commissioners appointed.

Their power.

taining the line aforesaid ; and such the said Commissioners, prior to their entering into the business herein assigned them, shall receive a commission from the Governor, under the seal of this Commonwealth, agreeable to the powers with which they are vested by this Act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor of this Commonwealth be, and he hereby is requested to transmit a copy of this Act to the Governor of *Connecticut*, that the same may be duly communicated to the Legislature of that State, in order that measures may be taken on the part of such State for ascertaining the bounds aforesaid.

[This Act passed *March 8, 1791.*]

An ACT appointing Commissioners on the Part of this Commonwealth, for ascertaining the Boundary Line between this Commonwealth and the State of *Rhode-Island*.

Preamble. **W**HEREAS it appears by communications received from the Governor of the State of *Rhode-Island*, that disputes and difficulties have arisen, respecting the boundary line between this Commonwealth, and the said State of *Rhode-Island* : To prevent which in future, and to promote harmony and affection between the citizens of this Commonwealth, and such State,

Commissioners appointed. SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Honorable *Walter Spooner, Eliza May, and David Cobb*, Esquires, be, and they hereby are appointed Commissioners on the part of this Commonwealth, for ascertaining the boundary line between the same, and such the said State of *Rhode-Island*. And the said Commissioners are hereby authorized and empowered to meet such Commissioners as may be appointed and vested with similar powers for the above purpose, by the Legislature of the State of *Rhode-Island*, and, in conjunction with them, to ascertain, run and mark such boundary line upon the principles that have heretofore been agreed upon by Commissioners from *Great-Britain*, or by the respective Legislatures of the late Province of *Massachusetts Bay*, and the Colony of *Rhode-Island and Providence Plantations*, for that purpose appointed, if those principles can now be ascertained, otherwise the said Commissioners on the part of this Commonwealth, hereby appointed, are authorized to agree upon such principles touching the running said line, as from the best documents they can obtain,

Their power.

obtain, may appear to them just and reasonable ; which line, when so ascertained, shall forever afterwards be considered and held to be the true and just boundary line of jurisdiction between this Commonwealth and the State aforesaid.

SECT. 2. *And be it enacted by the authority aforesaid,* That such the Commissioners on the part of this Commonwealth, hereby appointed, be, and they hereby are authorized to employ such surveyors and chain-men, as they may think proper to assist in ascertaining the same line as aforesaid ; and such Commissioners so appointed, prior to their entering into the business herein assigned them, shall receive a commission from the Governor, under the seal of this Commonwealth, agreeable to the powers with which they are vested in and by this Act.

Commissioners  
to employ sur-  
veyors and  
chain-men.

SECT. 3. *And be it further enacted,* That the Governor of this Commonwealth be, and he hereby is requested to transmit a copy of this Act to the Governor of *Rhode-Island*, that the same may be communicated to the Legislature of that State, in order that measures may be taken on the part of that State to carry the same into effect.

[This Act passed March 8, 1791.]

### An ACT for establishing an Academy in the Town of *Berwick*, by the Name of *Berwick Academy*.

**W**HEREAS it appears that the Hon. *Benjamin Chadbourn*, Esquire, of *Berwick*, in the county of *York*, has appropriated a very convenient tract of land in said *Berwick* to the use of an Academy, and that fundry well-disposed persons have subscribed the sum of *five hundred pounds*, for the same generous design ; the more fully to effect which, it is necessary to establish a body politic :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Berwick*, in the county of *York*, an Academy, by the name of *Berwick Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages, and such of the liberal arts and sciences, as the said Trustees shall direct ; and the Honorable *Benjamin Chadbourn*, Esq. the Hon. *David Sewall*, Esq. the Hon. *Edward Cutts*, Esq. the Hon. *Nathaniel Wells*, Esq. the Rev. *James Pike*, the Rev. *Benjamin Stephens*, D. D. the Rev. *Moses Hemenway*, D. D. the Rev. *John Tompson*, *John Rollins*, Esq. Col. *Jonathan Hamilton*, *John Hale*, Esq. Mr. *John Haggens*, Doctor *Ivory Hovey*, and Mr. *John Lord*, be, and they hereby are nominated and appointed Trustees of the said Academy ; and they are hereby

*Berwick Academy* established.

Trustees incorporated.

incorporated

incorporated into a body politic, by the name of *The Trustees of Berwick Academy*; and they and their successors, shall be, and continue a body politic, by the same name forever.

Property to be  
vested in the  
Trustees.

SECT. 2. *And be it further enacted*, That all the lands and monies heretofore given or subscribed, or which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and they the said Trustees shall be further capable of having, holding and taking in fee simple, by gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal (provided the annual income of the same shall not exceed *two thousand pounds*;) and shall apply the rents, issues and profits thereof in such a manner, as that the end of the Academy may be most effectually promoted.

Their power.

SECT. 3. *Be it further enacted*, That the said Trustees shall have full power from time to time, as they shall determine, to elect such officers of the said Academy, as they shall judge necessary and convenient; and fix the tenures of their respective offices; to remove any Trustee from the Corporation, (when, in their opinion) he shall be incapable, through age or otherwise, of discharging the duties of his office; to fill all vacancies, by electing such persons for Trustees as they shall judge best; to determine the times and places of their meetings, the manner of notifying the said Trustees, the method of electing or removing Trustees; to ascertain the powers and duties of their several officers; to elect preceptors and ushers of said Academy, to determine the duties and tenures of their offices; to ordain reasonable rules, orders and by-laws, (not repugnant to the laws of this Commonwealth) with reasonable penalties, for the good government of the Academy, and ascertaining the qualifications of the students requisite to their admission; and the same rules, orders and by-laws at their pleasure to repeal.

Seal.

SECT. 4. *Be it further enacted*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure; and that all the deeds, signed and delivered by the Treasurer or Secretary of said Trustees, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law; and that the Trustees of said Academy may sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Berwick Academy*.

Number, &c.

SECT. 5. *Be it further enacted*, That the number of the said Trustees, and their successors, shall not, at any one time, be more

more than fifteen, nor less than nine, seven of whom shall constitute a quorum for transacting business; and a majority of the members present at any legal meeting shall decide all questions proper to come before the Trustees: That the principal instructor for the time being shall ever be one of them: That a major part shall be laymen, and respectable freeholders; also, that a major part shall consist of men who are not inhabitants of the town where the seminary is situated.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if it shall hereafter be judged upon mature and impartial consideration of all circumstances, by two-thirds of all the Trustees, that for good and substantial reasons, which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded; in that case, it shall be in the power of the said Trustees to remove it accordingly, and to establish it in such other place within this State, as they shall judge to be best calculated for carrying into effectual execution the intention of the founders.

—Empowered  
to remove the  
seminary, in  
case.

SECT. 7. *Be it further enacted,* That the Hon. Benjamin Chadbourn, Esq. be, and he hereby is authorized, to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

Benjamin  
Chadbourn,  
Esq. authoriz-  
ed.

[This Act passed March 11, 1791.]

An ACT for repealing an Act passed in the Year of our Lord One thousand seven hundred and eighty-four, entitled, "An Act to incorporate the Church and Congregation in the District of *Orange*, in the County of *Hampshire*, whereof the Rev. Mr. *Emerson Foster* is the present Minister, into a Society by the Name of the Congregational Society of *Orange*."

WHEREAS the operation of said Act does not produce those salutary effects which were expected:

Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid Act be, and hereby is repealed and made null and void. *Provided always,* That the said Society shall be holden to pay all debts by them heretofore contracted, in the same way and manner as though this Act had not passed.

Act repealed

[This Act passed March 11, 1791.]

Am

An ACT to incorporate the north Part of the Town of *Winthrop*, in the County of *Lincoln*, with the Inhabitants thereon, into a Town by the Name of *Readfield*.

**SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the lands in the town of *Winthrop*, lying north of the line hereafter described, viz. Beginning on the south line of Lot Number Thirty-two, in said *Winthrop*, where the west line of *Hallowell* crosses said lot, from thence running west-north-west, on the range line to *Chandler's pond*; then westerly across said pond, to the south-east corner of Lot Number Two Hundred and Twenty; then westerly on the south line of said lot; to south-west corner of said lot; then northerly to the north-east corner of Lot Number Sixty-six; from thence west-north-west on the north line of Lots Number Sixty-six, Ninety-three and One Hundred Fifty-six, to the westerly line of said town, with all the inhabitants thereon living, be, and hereby are incorporated into a separate town, by the name of *Readfield*, with all the powers, privileges and immunities, that towns within this Commonwealth have, or do enjoy.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Readfield* shall be subject to, and pay all rates and taxes heretofore assessed upon them, while they belonged to the town of *Winthrop*, in the same manner as though this Act had not been passed; and shall also be subject to pay their proportionable part of all debts due from said town of *Winthrop*, at the time of their separation, and also shall receive their proportionable part of all public lands, and of all other public property whatsoever, that did belong to said town of *Winthrop*, at the time of their separation.

**SECT. 3.** *And be it further enacted,* That the said town of *Readfield* shall take and support their proportionable part of all the poor, that did belong to the said town of *Winthrop*, at the time of their separation, according to their last valuation; and provided any person or persons have removed from said town of *Winthrop*, and shall be hereafter returned as the poor of said town; then and in such case, the said town of *Readfield* shall take and support as their poor, all those who immediately before such removal were the inhabitants of that part of the town of *Winthrop* which is now *Readfield*.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That until the said town of *Readfield* shall have a sufficient number of inhabitants to entitle them to send a Representative, they shall assemble and meet with the town of *Winthrop*, and in town-meeting alternately at *Winthrop* and *Readfield*, shall join in choosing a Representative, to serve in the General Court of this Commonwealth.

SECT.



SECT. 5. *And be it enacted by the authority aforesaid, That Jonathan Whiting, Esq. be, and he hereby is authorized and empowered to issue his warrant to some principal inhabitant of the said town of Readfield, requiring him to notify and warn said inhabitants to meet at some convenient time and place in said Readfield, to choose all such officers as other towns by law are required to choose, in the month of March or April annually.*

[This Act passed March 11, 1791.]

### An ACT for naturalizing John White and others.

**W**HEREAS John White, Roger Dickinson, and John Atkinson, (the said Atkinson, in behalf of himself, his wife and children) have petitioned the General Court, that they may be naturalized, and thereby become entitled to all the rights and privileges of natural born citizens; and having produced sufficient testimonials of their good characters:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid John White, Roger Dickinson, and John Atkinson, together with Elizabeth, the wife of the said Atkinson, John Atkinson, jun. Charles Atkinson, Eliza Storer Atkinson, George Hodgson Atkinson, Mary Ann Atkinson, Caroline Frances Atkinson, and William Atkinson, his children, (they the said John White, Roger Dickinson, and John Atkinson, respectively taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, quorum unus) shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the liberties, privileges and immunities of natural born subjects.*

SECT. 2. *And be it further enacted, That the Justices before whom the said John White, Roger Dickinson, and John Atkinson shall take and subscribe the said oath, shall return a certificate of the same into the Secretary's office, that it may be the recorded.*

[This Act passed March 11, 1791.]

### An ACT for establishing the Boundary Line between the Towns of Brookfield and New-Braintree, in the County of Worcester.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That about forty-three acres of land belonging to George Nye, lying near the dwelling-house of Major James Woods, which previous to the passing of this Act belonged to the town of Brookfield, be, and the same is hereby annexed*

annexed to the town of *New-Braintree*; and that the farm and estate of *Francis Stone*, containing about fourteen acres, heretofore belonging to said town of *New-Braintree*, be, and the same is hereby annexed to said town of *Brookfield*.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the dividing line between the said towns shall hereafter run as followeth, *to wit.* Beginning on the westerly side of the road at the south-easterly corner of *Joseph Barnes's* land, thence running north-easterly to the north-west corner of *Samuel Harrington's* land, standing on the original north line of the town of *Brookfield*,—and that all lands lying on the north-westerly side of said line, heretofore belonging to the town of *Brookfield*, be, and they hereby are annexed to the town of *New-Braintree*; and all the lands lying on the south-easterly side of said line, heretofore belonging to the town of *New-Braintree*, be, and they are hereby annexed to the town of *Brookfield*.

Provide,

SECT. 3. *Provided nevertheless,* That this Act shall not be considered to affect the collecting of taxes now assessed or granted within the said towns, but the same shall be demanded and collected in the same manner as though this Act had never passed.

[This Act passed June 10, 1791.]

An ACT to set off *John Ladd*, from the first to the second Parish in *Methuen*.

John Ladd  
transposed.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That *John Ladd*, of *Methuen*, in the county of *Essex*, be, and he hereby is set off from the first parish in said *Methuen*, together with all his estate both real and personal, and annexed to the second parish in *Methuen*, there to do duty, and receive privileges in the aforesaid second parish in *Methuen*.

[This Act passed June 10, 1791.]

An ACT to set off *Julius Allis*, from the Town of *Deerfield*, in the County of *Hampshire*, and to annex him to the Town of *Conway*.

Julius  
set off.

Allis

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the abovesaid *Julius Allis*, with his family, and the land he lives on, being about seventy-one acres, described as follows:—Beginning at the south-west corner of said *Deerfield*, thence running north twelve degrees and an half east, one hundred and twenty-six rods; thence east two degrees and an half, north sixty rods; thence south twelve de-  
grees

grees and an half, west nineteen rods and an half ; thence east, two degrees and an half, north forty rods ; thence south, twelve degrees and an half, west one hundred six rods and an half to the abovesaid south-west corner of *Deerfield*, be, and hereby are set off from the said town of *Deerfield*, and annexed to the said town of *Conway* ; and shall forever hereafter be considered as belonging thereto :

SECT. 2. *Provided nevertheless*, That the said *Julius Allis* Proviso. shall pay his proportionable part of all the taxes which are already assessed or levied on the said town of *Deerfield*, in like manner as though this Act had not passed.

[This Act passed June 17, 1791.]

An ACT for incorporating certain Persons, for the Purpose of opening a Canal, from the Head of *New-Meadow River*, to *Merry-Meeting Bay*. Additional Act, March 22, 1793.

**W**HEREAS great advantages may arise to the towns Preamble. west of *New-Meadow River*, and to the public in general, by opening a Canal, from the head of the same river to *Merry-Meeting Bay* :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Isaac Snow*, *Nathaniel Larrabee*, and *Benjamin Dunning*, Esquires, Messieurs *John Peterson*, *Phillip Higgins*, *Benjamin Ham*, *Nathaniel Sprague*, *John Dunlap*, and *Samuel Grose*, so long as they shall continue to be proprietors in the Corporation hereafter mentioned, together with all those who are, and those who shall become proprietors thereof, shall be a Corporation and Body Politic, for the purpose of opening and keeping open a canal, from the head of *New-Meadow River*, to *Merry-Meeting Bay*, under the name of *The Proprietors of the New-Meadow Canal*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution ; and do and suffer all other matters and things, which bodies politic may, or ought to do and suffer ; and that the said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and renew at pleasure. Persons incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid*, That if it shall so happen, that any individual or body corporate, shall be damaged in his or their lands, or marsh adjoining said canal, by cutting and keeping open said canal, the damage so done shall be recompensed by the proprietors thereof, in such sums or proportions as shall be ordered by the Court of General Sessions of the Peace in the county of *Cumberland*, upon Damage incurred—by whom recompensed.

upon inquiring into the same by a jury summoned for that purpose, at the expense of the proprietors of the aforesaid canal, if any damage shall be assessed by the said jury.

Isaac Snow  
empowered to  
issue his war-  
rant.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *Isaac Snow*, Esq. be, and he hereby is empowered and directed, to issue his warrant to one of the proprietors aforesaid, requiring him to notify a meeting of the proprietors in manner as the law directs; and the proprietors at said meeting shall choose a clerk, (who shall be duly sworn to the faithful discharge of his office) and all other needful officers for managing the business of the said Proprietary, which they shall have power to choose from time to time afterwards, as necessary, and also shall agree on a method for calling future meetings.

Time allowed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if the said proprietors shall refuse, or neglect, for the space of four years after the passing of this Act, to open and complete said canal, then this Act shall be void and of none effect.

Canal to be  
kept open.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said canal shall be kept open for the passing of boats, rafts, and other water craft, and for all persons who may wish to pass or transact business therein, they paying to the said proprietors the following toll, viz.—For every boat, of the burthen of one ton, the sum of *nine pence*, and in the same proportion for vessels or boats of greater or less burthen, not exceeding *six shillings*, for any such vessel or boat.—For every thousand feet of boards in rafts, *four pence half-penny*, and in the same proportion for all other kinds of lumber.

Toll.

[This Act passed June 17, 1791.]

### AN ACT incorporating certain religious Societies therein named, in the Town of Great Barrington, in the County of Berkshire.

Episcopal Soci-  
ety incorpo-  
rated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Thomas Ingersoll, Elijah Eggleston, David Wainwright, Samuel Whiting, William Barns, Walter Pyncheon, Andrew Robinson, Lambert Burghardt, Andrew Burghardt, John Van Dusen, William Van Dusen, Garrit Burghardt, Hendrick Burghardt, Clement Leman, Jacob Van Dusen, Abraham Van Dusen, Jacob Van Dusen, 2d. John Burghardt, 3d. Medad Parsons, Amos Olds, Benjamin Caboon, John Church, Jacob Johnson, Andrew Loomis, James Hewitt, Josiah Church, John Church, jun. Oliver Younglove, Jonathan Younglove, William Davis, John Stewart, Peter Burghardt, Daniel Ferguson, John Burghardt,* John

*John Burghardt, 2d. Moses Orcut, Elijah Dwight, Elizur Demming, Martin Horcke, Isaac Perre, Ebenezer Smith, Caleb Hill, William Whiting, William Whiting, 3d. Abraham K. Whiting, Eliphalet Gregory, Azel Sprague, Thomas Huxford, Isaac Van Dusen, Isaac Van Dusen, 3d. Isaac Van Dusen, jun. John Van Dusen, jun. Abraham Van Dusen, jun. John Farnham, John Williams, Nicholas Bwkeley, Emanuel Hodgit, Ralph Adams, William Hamly, John Obrian, William Obrian, and Peter Eslen, all of Great Barrington, in the county of Berkshire, together with their families, polls and estates, be, and they are hereby incorporated into a parish, by the name of The Protestant Episcopal Society of Great Barrington, with all the privileges, powers and immunities, which other parishes within this Commonwealth are entitled to by law.*

SECT. 2. *And it is further enacted by the authority aforesaid,* That all and singular the other persons with their estates, within the said town of *Great Barrington*, shall continue and remain a religious society, by the name of *The Protestant Congregational Society in Great Barrington*, with all the privileges, powers and immunities, which other parishes in this Commonwealth are entitled to by law; to which shall belong the estates of the non-resident proprietors in the said town.

Congregational Society incorporated.

SECT. 3. *And it is further enacted,* That all monies, which by virtue of this Act shall be assessed and collected by the said Congregational Society, upon the estates of non-resident proprietors within said town, shall be equally divided between said Episcopal and Congregational Societies. And the treasurer of said Congregational Society, as often as any sum or sums of money shall be assessed and collected in manner aforesaid, on estates of non-resident proprietors, upon demand made by the treasurer of said Episcopal Society, shall pay over to the said last mentioned treasurer the one half of said sum or sums of money, which shall have been as aforesaid assessed and collected.

Appropriation of monies.

SECT. 4. *And it is further enacted by the authority aforesaid,* That any inhabitants of the said town of *Great Barrington* shall at all times forever hereafter, have full liberty to join themselves with their families and estates, to either of the parishes in said town:—*Provided*, They shall some time in the month of *March* signify in writing under their hands, to the clerk of said town, their determination of belonging to the parish to which they may join themselves as aforesaid.

Inhabitants to choose their own parishes.

Proviso.

SECT. 5. *And it is further enacted by the authority aforesaid,* That *Elijah Dwight*, Esq. be, and he is hereby authorized to issue his several warrants, directed to some principal member of each of said societies, requiring him to warn the members of said societies respectively, qualified to vote in parish affairs, to assemble at some suitable time and place in the said town, to be expressed

Elijah Dwight, Esq. to issue his warrants.

expressed in such warrant, to choose such officers as parishes are by law required to choose, in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in the said parishes, respectively.

[This Act passed *June 18, 1791.*]

An ACT for discontinuing the Office of Comptroller General in this Commonwealth.

Office of Comptroller General to cease.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the office of Comptroller General shall cease from and after the first day of July next; and that the present Comptroller General shall settle his accounts to that time with the Treasurer of this Commonwealth, who is hereby empowered and directed to perform all the duties of the said office, in the same manner as they are now executed by the present Comptroller General; any law to the contrary notwithstanding; and at the time of such settlement, the Comptroller General shall deliver to the Treasurer all bonds and other official papers, taking his receipt for the same.*

[This Act passed *June 18, 1791.*]

An ACT to incorporate the Plantation of *Wales* in the County of *Lincoln*, into a Town by the Name of *Monmouth*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land viz. Beginning at the south-easterly corner of Winthrop on the west side of Cobbisacontee Great Pond; thence running south-south-west six miles to a large heap of stones erected for a corner; thence west-north-west, about five miles to the westerly line of the Plymouth Patent; thence northerly on the westerly line of said Patent, about six miles, until it intersects a line running west-north-west from the south-easterly corner of Winthrop aforesaid; thence east-south-east, by the southerly line of Winthrop, to the first mentioned bound, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of Monmouth, and the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may enjoy by law.*

Daniel Cony, Esq. to issue his warrant.

SECT. 2. *And be it further enacted by the authority aforesaid, That Daniel Cony, Esquire, be, and he is hereby empowered and requested to issue his warrant, directed to some suitable inhabitant*

inhabitant of the said *Monmouth*, requiring him to warn the inhabitants thereof to meet at some convenient time and place, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed January 20, 1792.]

An ACT to regulate the taking of Fish called Alewives in the Town of *Middleborough*, in the County of *Plymouth*, and for repealing a certain Law, made for that Purpose, in the Year of our Lord One thousand seven hundred and forty-nine.

Additional  
Acts, July 8,  
1798, Jan. 21,  
1802.

**W**HEREAS the laws already made for regulating the taking fish called Alewives, at the places called the *Old Stone Ware* and *Affawomset Brook*, in said town, are found inconvenient: For remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, it shall and may be lawful for the inhabitants of said town, annually to farm or hire out the privilege of taking said fish at the place called the *Old Stone Ware*, and at such place in *Affawomset*, in said town, as the inhabitants thereof shall vote and order, to such person or persons as shall appear to give most for said privilege, four days in a week, at said *Stone Ware*, viz. Tuesday, Wednesday, Thursday and Friday, and at *Affawomset Brook*, three days in a week, viz. Monday, Tuesday and Wednesday, beginning at midnight preceding Tuesday, and ending at midnight succeeding Friday, at said *Stone Ware*, and at midnight preceding Monday, and ending at midnight succeeding Wednesday, at said *Affawomset Brook*; said fish to be taken at said *Stone Ware*, with scoop-nets only; and at said *Affawomset Brook* with scoop-nets or set-nets only.

Inhabitants to  
farm out priv-  
ilege annually.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the purchasers of said privilege shall not ask or receive for said fish when taken, more than one shilling per hundred, and in that proportion for a greater or smaller quantity; and that the purchasers of said privilege shall be obliged to sell said fish at that rate, at all times when they shall have any on hand, when applied to, upon the penalty of five pounds, to be recovered, by action of debt, in any Court proper to try the same, for each neglect or refusal; one moiety thereof to the use of the poor of the said town, and the other moiety to the use of any person who shall prosecute for the same; and it shall be the duty of the inhabitants of said town, annually, to provide

Purchasers of  
the privilege  
limited in the  
price of fish.

vide for such of the poor inhabitants thereof, as shall be unable to procure them for themselves, such quantities of said fish as shall be thought necessary, who shall receive the same gratis ; and in order thereto,

Committee to be annually chosen. SECT. 3. *Be it further enacted*, That said inhabitants shall choose a Committee of nine discreet judicious men, one in each Constable's district in said town, in the fall of the year annually, who shall report to the Overseers of the Poor of said town, previous to the ensuing spring, the number and names of such poor inhabitants, the number in each family, and their

Duty of Overseers. situation ; and it shall be the duty of such Overseers to apportion to every such family, such quantity of said fish as they in their discretion shall think necessary, and shall draw their orders on the purchasers of said privilege for the same, which orders shall be taken and received by said purchasers, equal to money, and shall be received of them by the Treasurer of said town equal to money, in discharge of the purchase money of the privilege aforesaid.

Penalty for breach of this Act. SECT. 4. *And be it further enacted*, That any person who shall presume to take any of the said fish in any other way, at any other time, or any other place in said river or brook, or any parts or dependencies thereof, than those prescribed by this Act, every person concerned therein, shall forfeit and pay for each offence the sum of *forty shillings*, to be recovered by action of debt in any Court proper to try the same, one moiety thereof to the Treasurer of said town, for the use of the poor thereof, and the other moiety to the party who shall sue therefor.

Forfeiture. SECT. 5. *And be it further enacted by the authority aforesaid*, That the scoop-net, or other instrument, by which any person shall take, or attempt to take any of said fish, contrary to the true intent and meaning of this Act, shall be forfeit, and any other person shall have liberty to seize and secure the same to his own use ; and if said scoop-net or other instrument, forfeited as aforesaid, shall be carried away, concealed or withheld, so that the party attempting cannot take or come at the same, said party so attempting to take said instrument may sue for and recover the value thereof in a special action of the case, before any Court having proper jurisdiction thereof, against the owner or possessor thereof to his own use.

Suspicious persons examined. SECT. 6. *And be it further enacted*, That if any person shall be found near said river or brook, or going from thence, with any quantity of said fish, exceeding sixty in number, which are suspected to have been taken in violation of this Act, it shall be the duty of every person who shall then suspect said fish to have been taken illicitly, to examine the possessor



possessor thereof, respecting the means of his procuring them, and if he cannot make it appear that he came by them legally, he shall forfeit the whole of said fish that he shall so be possessed of, to be recovered in the same way and manner as scoop-nets and other instruments are recovered, as provided in this Act, and be subject to the penalty of *forty shillings* for taking fish contrary thereto, to be recovered in the same way as is herein before provided in that particular; and to prevent difficulty, and unnecessary expense to persons purchasing said fish, it shall be the duty of the Clerk of, or some one of the purchasers of said privilege to give a certificate under his hand, to all persons who purchase any quantity of said fish, exceeding sixty in number, of the time when, and the place where, and the quantity purchased, and his producing said certificate shall be evidence of his obtaining said fish legally.

Forfeiture in case of fraud.

Certificates to be given to purchasers of fish.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any children or servants shall offend against this Act, unless their parents, masters or guardians, or some other person in their behalf shall pay the penalty set against such offenders within twelve hours after notice being given them of such offence, such children or servants shall be proceeded against by complaint before any Justice of the Peace, in and for said county, and upon conviction thereof, shall be committed to the house of correction, there to remain not less than five, nor more than twenty days, according to the nature of said offence, in the judgment and at the discretion of the Court or Justice, before which said conviction may be had.

Minors or servants, how dealt with in case of offence.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all persons not otherwise disqualified, shall be considered and taken to be competent and legal witnesses, in any prosecution upon this Act, they being inhabitants of said town of *Middleborough*, notwithstanding.

Legal witnesses.

SECT. 9. *And be it further enacted by the authority aforesaid,* That an Act passed in the year of our Lord seventeen hundred and forty-nine, entitled, "An Act to prevent the unnecessary destruction of Alewives in the town of *Middleborough*," be, and hereby is repealed.

Act repealed. The Act of 1749 revived and made perpetual, March 7, 1797. Again repealed June 22, 1797. The Act of 1764 made perpetual, March 7, 1797.

SECT. 10. *Provided nevertheless,* That no clause in this Act shall extend to, or be considered so as to affect an Act passed in the year of our Lord seventeen hundred and sixty-four, entitled, "An Act in addition to an Act, entitled, an Act to prevent the unnecessary destruction of Alewives in the town of *Middleborough*."

[This Act passed January 30, 1792.]

An

An ACT to incorporate the westerly Part of the Town of *Vassalborough*, in the County of *Lincoln*, with the Inhabitants thereof, into a Town by the Name of *Sidney*.

**SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the land and water lying on the west side of *Kennebeck* river, in the town of *Vassalborough*, and bounded as followeth, viz. Beginning at said *Kennebeck* river, on the westerly side thereof, and in the line between the towns of *Winslow* and *Vassalborough* aforesaid; thence running west-north-west, five miles to the north-westerly corner of said *Vassalborough*; thence southerly about eight miles on a straight course to the north-westerly corner of the town of *Hallowell*; thence east south-east, five miles on the northerly line of said *Hallowell* to *Kennebeck* river; thence northerly on the westerly side of said river, and bounded by the same, to the first mentioned bounds, with all the inhabitants thereon, be, and hereby are incorporated into a separate town, by the name of *Sidney*, with all the powers, privileges and immunities, that other towns within this Commonwealth do or may by law enjoy.

*Boudoirs.*

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Sidney* shall be subject to pay all taxes heretofore assessed upon them, while they belonged to the said town of *Vassalborough*, in the same manner as though this Act had not been passed; and shall also be subject to pay their proportionable part of all debts due from said town of *Vassalborough*, at the time of their separation, and also shall be entitled to receive their proportionable part of all the public lands, and of all other public property that did belong to the town of *Vassalborough*, at the time of their separation; such proportion or dividend to be made in equal moieties to each town respectively.

Taxes heretofore assessed, to be paid.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That *Daniel Cony*, Esquire, be, and he is hereby authorized and empowered, to issue his warrant to some suitable inhabitant of said town of *Sidney*, requiring him to notify and warn the inhabitants thereof to meet at some convenient time and place in said town, to choose all such town officers as other towns are required by law to choose in the months of *March* or *April* annually.

*Daniel Cony*, Esq. to issue his warrant.

[This Act passed January 30, 1792.]

An

An ACT for incorporating certain Persons for the Purpose of building a Bridge over Merrimack River at Patucket Falls, between the Towns of Chelmsford and Dracut, in the County of Middlesex, and for supporting the same.

**W**HEREAS the erecting a bridge over the said river, at the said falls, will be of great utility ; and Parker Varnum, Esquire, and others, have petitioned this Court for an Act of incorporation, to empower them to build the said bridge ; and many persons, in expectation of such an Act, have subscribed to a fund for the purpose of erecting and completing the same :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Parker Varnum, James Varnum, Thomas Russell, Jonathan Simpson, Lewis de Maresquille, Joseph Bradley Varnum, Loammi Baldwin, William Blanchard, Esquires, Messieurs Solomon Aiken, Samuel Cotton, William Hildreth, jun. Jephtha Spaulding, Josiah Fletcher, jun. Peter Coburn, jun. Bradley Varnum, Jonathan Varnum, Benjamin French, Nathan Tyler, Eliakim Wood, Daniel Coburn, Moses B. Coburn, Asa Richardson, Oliver Whiting, jun. Joel Spaulding, John Ford, Jonathan P. Pollard, Thomas Beals, and Ebenezer Hall, together with all those who are, or shall become proprietors to the fund to be raised for that purpose, so long as they shall continue to be proprietors therein, or of the said bridge, shall be a corporation and body politic, under the name of the Proprietors of the Middlesex Merrimack River Bridge, and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things which bodies politic may or ought to do and suffer ; and that the said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.*

SECT. 2. *And be it further enacted, That the said proprietors or any five of them may, by advertisement in the Independent Chronicle, printed by Thomas Adams, call a meeting of the said proprietors, to be holden at any suitable time and place, after ten days from the publication of said advertisement ; and the said proprietors, by a vote of the majority of those present or represented at said meeting, (accounting and allowing a vote to each single share in all cases,) shall choose a Clerk, who shall be duly sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings ; and at the same or any subsequent meeting may make and establish any rules and regulations that shall be necessary and convenient*

Preamble.

Proprietors incorporated.

—empowered.

—authorized to call meetings.

Proprietors authorized to call a meeting for purposes mentioned, with 2

Provide.

convenient for regulating the said corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *forty shillings*: *Provided*, such rules and regulations are not repugnant to the laws of this Commonwealth: And the said proprietors may also choose and appoint any other officer or officers of the corporation that they may deem necessary; and all representations at the said meeting shall be proved in writing, signed by the person making the same, by special appointment, which shall be filed with or recorded by the Clerk; and this Act, and all rules, regulations and votes of the said corporation shall be fairly and truly recorded by the said Clerk, in a book or books, provided and kept for that purpose.

Toll established.

— rates of.

SECT. 3. *And it is further enacted*, That for the purpose of reimbursing the said proprietors the monies by them expended or to be expended in building and supporting the said bridge, a toll be, and is hereby granted and established for the sole benefit of the said proprietors, according to the rates following, viz. For each foot passenger *two-thirds of one penny*; for each person and horse *two pence*; for each horse and chaise, or sulkey, *six pence*; for each cart, waggon, fley or sled, drawn by two beasts, *six pence*; for each cart, fley or sled, drawn by one horse, *four pence*; for each coach, chariot or phaeton *one shilling*; for each waggon, cart or sled, or other carriage of burthen, drawn by three or more cattle, *nine pence*; for neat cattle or horses exclusive of those rode or in carriages, *one penny* each; for sheep and swine, at the rate of *six pence* for each dozen; and to each team one person and no more shall be allowed as a driver, to pass free of toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the opening of the said bridge for passengers, and shall continue to the said proprietors, their heirs and assigns forever.

Provide.

SECT. 4. *Provided nevertheless, and be it further enacted*, That from and after fifty years from the passing this Act, it shall be in the power of the Legislature to alter and establish the rates of toll for passing the said bridge, from time to time, as they may think necessary: And, in order to apportion the said toll to the expense of supporting and keeping the said bridge in good repair, the receiver of the said toll for the time being, after the expiration of the said fifty years, shall, from time to time, when thereto directed by the General Court, lay before the said Court a true account, upon oath, of the amount of the toll received by him for such period of time as shall be directed

ed by the Legislature, upon the penalty of *three hundred pounds*, to be recovered by information or indictment in any court proper to try the same, for the use of the Commonwealth, with costs of suit.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the General Court may, at any time hereafter, authorize the digging and making of any canal or canals on the banks of the said river, on the shore near the same, where the said bridge is to be erected, the making a convenient passage for boats and rafts in the said river, by removing any obstructions therein, and by constructing locks or otherwise as they shall judge proper; any thing in this Act supposed to be to the contrary notwithstanding.

The right to make canals hereafter, reserved to government.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said bridge shall be well built with suitable materials, at least twenty-eight feet wide, and well covered with planks, with sufficient rails on each side, and boarded up eighteen inches high from the floor of said bridge, for the safety of passengers travelling thereon; and the same shall be kept in good, safe and passable repair, at all times; and also at the place where the toll shall be received, there shall be erected and constantly exposed to open view, a sign or board with the rates of toll, of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

Manner in which said bridge is to be built.

SECT. 7. *And be it further enacted*, That if the said proprietors shall neglect or refuse, for the space of three years after the passing this Act, to build and complete the said bridge, then this Act shall be void and of no effect.

Act to be void in case.

[This Act passed February 1, 1792.]

An ACT granting certain Privileges to the Proprietors of the lower or new Slitting-Mill, standing on *Mill-River*, in the Town of *Taunton*, in the County of *Bristol*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Committee which may be annually chosen by the inhabitants of the town of *Taunton* aforesaid, whose business it is to see the fish Act, so called, put in execution, are hereby empowered and directed to notify one or more of the proprietors of said slitting-mill, that they may stop the water, and make use of the same, three days in each and every week, in the months of *April* and *May* annually, for the purpose only of slitting nail-rods; which days the aforesaid Committee are to appoint, and to give seasonable notice to the proprietors, as aforesaid; any law to the contrary notwithstanding.

[This Act passed February 6, 1792.]

An

An ACT to establish and incorporate a Religious Society in the Town of *Easton*, in the County of *Bristol*, by the Name of the Congregational Parish in *Easton*.

Religious society incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all inhabitants of the town of *Easton*, in the county of *Bristol*, who now usually attend, and who shall hereafter usually attend public worship, with the Congregational Society of the town of *Easton*, of which the Rev. *William Reed* is the present minister, and who shall cause their names to be entered and registered, with the Clerk of such society, or other person or persons, who shall be by such society, as hereinafter provided, appointed and authorized for that purpose, shall be, and hereby are established, denominated and made a Corporation, Body Politic and Religious Society, by the name and style of the Congregational Parish in *Easton*, and shall have power as such, to hold meetings, appoint officers, grant, vote, levy and collect taxes, and to do, and transact all other matters and things, which parishes within this Commonwealth may usually do, and transact, for the support of the minister or ministers, teacher or teachers of religion and morality for the said parish and congregation, and to maintain the public worship of God within the said town of *Easton*; and also to do all other matters and things, which the said corporation are hereinafter more especially empowered to do: And any person or persons, usually attending public worship, and whose name or names shall be entered as aforesaid, shall be understood and held to be members of the said parish and corporation, and to be liable to all taxes duly voted thereby, and in all other respects as a parishioner or parishioners there, until he, she or they shall signify in writing to the Clerk of the said parish, for the time being, his, her, or their intention to attend public worship with some other religious society, and shall actually discontinue their attendance on public worship with said society.

Property vested in the society.

SECT. 2. *And be it further enacted,* That all monies, public securities, credits, and other personal estate of every kind, and all lands, tenements and hereditaments, now holden by the said society, or by any person or persons in trust for them, or to their use, and being the property and right of the said society, for the purposes aforesaid, shall be, and are hereby vested in the said Congregational Parish in the town of *Easton*, by them to be holden, improved and managed in their said corporate capacity, and for the support of a public teacher or teachers, and the maintenance of the public worship of God as aforesaid. And the said parish, in their said corporate capacity, are hereby

by authorized and enabled to receive, purchase, take and hold for the purposes aforesaid, and in like manner to manage any lands, tenements, goods, monies and credits, so that the whole annual income, to which the said Parish shall be entitled, and which they shall be capable of holding and managing as aforesaid, shall not at any one time exceed the sum of *one hundred and fifty pounds*.

SECT. 3. *Provided nevertheless, and be it further enacted,* That until the annual income of the stock and estate of the said Parish, now holden, or which shall hereafter belong to them, shall in their judgment, and according to their lawful agreements, be sufficient to support a public teacher as aforesaid, for the said Parish, no part of such income shall be by the said Parish applied, or in any wise appropriated or used for any other purpose, than to increase the principal fund and estate.

SECT. 4. *And be it further enacted,* That the Rev. *William Reed*, together with *Matthew Hayward*, *Abiel Mitchell*, *Samuel Guild*, *Abisha Leach*, and *Elijah Howard*, shall be, and they hereby are appointed and authorized as Trustees of the said Parish, to receive, take and hold in trust, for the said Parish, and to manage for the purposes aforesaid, until other Trustees shall be duly appointed in their stead, all and singular the grants, donations and estates, whether real or personal, to which the said Parish are, or shall be, during the continuance in office of the said Trustees, entitled.

SECT. 5. *And be it further enacted,* That the said Parish shall annually, some time in the month of *April*, at a legal meeting of the parishioners to be then holden within the said town of *Easton*, and at the common meeting-house of the said Parish, if any there be, appoint and authorize five meet persons of the said parishioners, as Trustees, who, being duly sworn before a Justice of the Peace to the faithful discharge of their trust, according to their best ability, shall be, together with the minister of the said Parish, for the time being, if any, the Trustees of the said Parish, and successors of the said Trustees herein before appointed; and shall have authority, and shall require, receive, take, hold and manage, for the said Parish, in trust and for the purposes aforesaid, all and singular the said monies, donations, purchases, and all other the estate, both real and personal of the said Parish: And the said Trustees, as well those herein appointed, as those who shall be appointed and authorized in manner as aforesaid, shall have power to let to interest, upon public or private credit, as to them shall seem best, and from time to time to call in, demand and recover any monies belonging, or which shall belong to the said Parish as aforesaid; and also to let to farm, and otherwise in their discretion, to improve

— annually  
to exhibit their  
accounts.

prove and manage all other the estate of the said Parish, whether real or personal, which shall be by the said Trustees received as aforesaid, and shall be allowed all reasonable disbursements, expenses and losses which shall and may unavoidably or reasonably happen and arise in the due execution and performance of their said trust. And the said Trustees shall, at their annual meeting aforesaid, lay before the said Parish a full statement in writing, of all and singular the monies, effects, credits and estate of the said Parish, in the hands of the said Trustees, and of all disbursements, expenses and losses, which shall have happened or arisen, in the execution of their said trust: And no sale of any land, or other real estate, belonging to the said Parish, and no purchase of any real estate, to be made by any monies, or received in exchange, unless upon mortgage for monies lent, being a collateral security, shall be valid and effectual to pass or hold such lands or tenements, unless such sale or purchase shall be ordered, made or accepted by the vote and agreement of the said Parish, at a legal meeting, to be called and holden for that purpose, and with the consent and concurrence of a majority of the said Trustees, for the time being.

Apollos Leonard, Esq. to issue warrant.

SECT. 6. *And be it further enacted*, That the first meeting of the said Parish, for the choice of Trustees and other Parish officers, as aforesaid, shall be called by a warrant, to be issued by *Apollos Leonard*, Esquire, and shall be holden within the said town of *Easton*, some time in the month of *April* next; and all future meetings of the said Parish shall be called by the said Trustees; and at the annual meeting for the choice of Trustees as aforesaid, all other Parish officers shall be chosen.

[This Act passed February 7, 1792.]

Additional Act,  
March 9, 1793.

An ACT to incorporate the Plantation of *Number Seven*, so called, in the County of *Hampshire*, into a Town by the Name of *Hawley*.

Hawley incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the aforesaid plantation, bounded north on *Charlemont*, east partly on *Buckland*, and partly on *Ashfield*, south on *Plainfield*, and west on the county of *Berkshire*, be, and hereby is incorporated into a town by the name of *Hawley*, with all the powers, privileges and immunities that towns within this Commonwealth have or do enjoy.

David Sexton, Esq. to issue a warrant.

SECT. 2. *And be it enacted by the authority aforesaid*, That *David Sexton*, Esquire, be, and hereby is empowered to issue his warrant, directed to some principal inhabitant of the town of *Hawley*, requiring him to notify the inhabitants of the said town, qualified as the law directs, to assemble and meet at some suitable



suitable time and place in said town, and choose such officer or officers as towns by law are empowered to choose, at their annual meeting in the month of *March* or *April*.

[This Act passed *February 7, 1792.*]

An ACT for establishing an Academy in the Town of  
*Fryeburg*, by the Name of *Fryeburg Academy*.

**W**HEREAS it appears that sundry well-disposed persons have erected a convenient building in *Fryeburg*, in the county of *York*, and appropriated it to the use of an Academy; to effect which generous design more fully, it is necessary to establish a body politic: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established, in the town of *Fryeburg*, in the County of *York*, an Academy, by the name of *Fryeburg Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages, and such of the liberal arts and sciences as the Trustees shall direct; and that the Rev. *William Fessenden*, of *Fryeburg*, the Rev. *Nathaniel Porter*, of *Conway*, in the State of *New-Hampshire*, *Henry Young Brown*, Esq. of *Brownfield*, *David Page*, Esq. of *Conway*, *Moses Ames*, of *Fryeburg*, *James Osgood*, of *Fryeburg*, *James Osgood*, of *Conway*, *Simon Frye*, Esq. of *Fryeburg*, and *Paul Langdon*, of *Brownfield*, the present Preceptor of said Academy, be, and they hereby are, nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politic, by the name of the *Trustees of Fryeburg Academy*; and they and their successors shall be, and continue a body politic by the same name forever. Academy established.

SECT. 2. *And be it further enacted,* That the said Academy be endowed with twelve thousand acres of land of the unappropriated lands in the county of *York*, to be laid out by the Committee for the sale of eastern lands, and to be located in one or two places; and that all the lands and monies heretofore given or subscribed, or which, for the purpose aforesaid, shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees, and their successors in that trust forever, for the uses which in such instruments shall be expressed: And they the said Trustees shall be further capable of having, holding and taking in fee-simple, by gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal: *Provided* the annual income of the same shall not exceed *one thousand pounds*; and shall apply the rents, issues and profits thereof in such a manner as that the design of the institution of the Academy may be most effectually promoted. Lands, &c. granted and confirmed to the said Trustees.

SECT.

Trustees empowered in certain cases. SECT. 3. *Be it further enacted*, That the said Trustees shall have full power, from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices: to remove any Trustee from the Corporation when, in their opinion, he shall be incapable, through age or otherwise, of discharging the duties of his office: to fill all vacancies, by electing such persons for Trustees as they shall judge best: to determine the times and places of their meetings; the manner of notifying the said Trustees; the method of electing or removing Trustees: to ascertain the powers and duties of their several officers: to elect Preceptors and Ushers of said Academy: to determine the duties and tenures of their offices: to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the Academy, and ascertaining the qualifications of students requisite to their admission; and the same rules, orders or bye-laws at their pleasure to repeal.

— to have a seal. SECT. 4. *Be it further enacted*, That the Trustees of said Academy may have one common seal, which they may change at pleasure; and that all the deeds signed and delivered by the Treasurer or Secretary of said Trustees, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law; and that the Trustees of said Academy may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the *Trustees of Fryeburg Academy*.

— number of limited. — to constitute a quorum. SECT. 5. *Be it further enacted*, That the number of said Trustees and their successors shall not, at any one time, be more than thirteen, nor less than nine, seven of whom shall constitute a quorum for transacting business; and a majority of members present, at a legal meeting, shall decide all questions proper to come before the Trustees: that a major part shall be laymen and respectable freeholders: also that a major part shall consist of men who are not inhabitants of the town where the seminary is situated.

Trustees empowered to remove the seminary in case. SECT. 6. *Be it further enacted*, That if it shall hereafter be judged, upon mature and impartial consideration of all circumstances, by two-thirds of the Trustees, that for good and substantial reasons, which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded; in that case, it shall be in the power of the said Trustees to remove it accordingly, and to establish it in such other place within the county of York as they shall judge to be best calculated for carrying into effectual execution the intention of the founders.

SECT.

SECT. 7. *Be it further enacted*, That *Simon Frye, Esq.* be and he hereby is authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

*Simon Frye, Esq. authorized.*

[This Act passed February 9, 1792.]

An ACT to incorporate the Plantation called *Offipee*, in the County of *York*, into a Town by the Name of *Limington*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the tract of land, bounded as followeth, viz. *Limington incorporated, with boundaries.* Beginning at *Saco river*, at the north-east corner of the plantation of *Francisborough*; thence running down said river as it runs, to the place where the river called *Little-Offipee* falls into said *Saco river*; thence running up said *Little-Offipee river*, to the line of the town of *Limeric*; thence north, twenty-two and an half degrees west, five miles and one quarter, to the north-easterly corner of said town of *Limeric*; thence north, twenty-five degrees east, to the south-west corner of a lot of land, containing about six hundred acres, formerly granted to *Theophilus Bradbury, Esquire*; thence north to the place of beginning at *Saco river*; together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Limington*; and the inhabitants of said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted*, That *Josiah Thacher, Esquire*, is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Limington*, directing him to notify the inhabitants of said town, qualified to vote in town affairs, to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meetings in the month of *March* or *April* annually.

*Josiah Thacher, Esq. to issue a warrant.*

[This Act passed February 9, 1792.]

An ACT in addition to an Act, made and passed the Twenty-first Day of *June*, in the Year of our Lord One thousand seven hundred and eighty-seven, entitled, "An Act to divide the Town of *Greenwich* into two Parishes."

WHEREAS in and by the said Act, it is enacted, that such inhabitants of the said town as were not petitioners for the division thereof, and were included in the south Parish in the said town, should be at liberty to belong to the north

Preamble

north Parish, together with their estates in the said town. *Provided*, such inhabitants should lodge their names in the Secretary's office, with a certificate of their desire to belong to the said north Parish, within a time limited by the said Act; which condition was complied with by the afore-described inhabitants; and whereas doubts have arisen whether the said estates will not revert to the said south Parish, when those persons who returned their names as aforesaid shall cease to occupy such estates:

What inhabitants may be held as belonging to the north parish.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, the several real estates within the said town, which were occupied by the aforesaid inhabitants, at the time of lodging their names in the Secretary's office as aforesaid, with the present and future occupants thereof, together with the personal estates of such present and future occupants in the said town, shall forever hereafter be considered and held to belong to the said north Parish, in as full and ample a manner as if the said inhabitants had been included in the said north Parish, by the dividing line between the said Parishes:

Provide.

SECT. 2. *Provided nevertheless,* That if any of the present owners and occupants of any of the estates aforesaid shall, on or before the first day of *June* next, return his or her name to the Secretary's office, certifying his or her desire of belonging unto the south Parish in said town, he or she shall be considered as belonging to the south Parish, with his or her estate, with the future occupiers of the same, there to do duty and receive privileges.

[This Act passed February 22, 1792.]

An ACT for regulating the taking the Fish called Alewives, in their Passage up *Indian Head River*, so called, between the Towns of *Pembroke* and *Hanover*, in the County of *Plymouth*, into a Pond in said Town of *Pembroke*, known by the Name of *Indian Head Pond*.

Sluice-ways to be opened.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there shall be sluice-ways made and opened through, or passage-ways made round all and each of the dams standing on, or across the river aforesaid, sufficient in the judgment of the major part of the committee or committees of the aforesaid towns of *Pembroke* and *Hanover*, to be chosen as is hereafter provided, for the passage of the said fish up the said river to the above said *Indian Head Pond*, in the town of *Pembroke*.

SECT.

SECT. 2. *And be it enacted by the authority aforesaid,* That the owner or owners of the several dams that now are, or hereafter may be erected, on said *Indian Head River*, shall make and provide such sluice-ways or passage ways as are by this Act required to be opened and kept open from the tenth day of *April*, to the twentieth day of *May*, annually. — at the expense of owner of dams.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any owner or owners of any dams, that now are or hereafter may be erected on, or across said river, shall refuse or neglect to open and keep open such good and sufficient sluice-way or passage-way, for the term aforesaid, he shall forfeit and pay the sum of *fifty pounds*, to be recovered by action of debt in any court proper to try the same; one moiety to him or them, that shall prosecute and sue for the same, and the other moiety to the aforesaid towns of *Pembroke* and *Hanover*. Forfeiture in case of neglect.

SECT. 4. *And be it further enacted,* That the towns of *Pembroke* and *Hanover*, at their respective town-meetings, for the choice of town officers in the month of *March* or *April* annually, shall choose at least three persons, freeholders in each of said towns, who shall be a committee to carry this Act into effect, any four of whom shall be a quorum, and shall be sworn — sworn, as other town officers are, to the faithful discharge of the duties of their office; and if any person, chosen as aforesaid, and accepting of the said trust, shall neglect to take an oath as aforesaid, within seven days from his being so chosen, he shall forfeit and pay the sum of *ten shillings*; or being chosen and sworn, if he shall neglect to perform his duty, he shall forfeit and pay the sum of *five pounds*; the said forfeitures to be sued for and recovered by the Treasurer of the town where such offender belongs, for the use of such town. Committee to be chosen.

SECT. 5. *And be it further enacted,* That any three of said committee shall have full power and authority to open, or cause to be opened and kept open, such sluice or passage-ways, at the expense of the owner or owners of any dam, or dams, that now are, or hereafter may be erected on, or across said stream or river: *Provided*, said owner or owners shall refuse or neglect to open the same by the tenth day of *April* annually: — empowered. *Provida.* And said committee are hereby empowered to remove all and every obstruction to the passage of said fish up, or down said river, that may be in or across the same; and if, for the purposes mentioned in this Act, it shall be necessary for said committee, or either of them, to go on the land of any person or persons, through which said river runs, it shall not be deemed a trespass; and if any person or persons shall hinder or molest said committee, or either of them, in the execution of his or their office, the person so offending shall forfeit and pay a sum not exceeding *twenty shillings*, nor less.

less than *ten shillings*, to be sued for and recovered by and to the use of the officer against whom the offence is committed; and said committee shall not be liable to prosecution for any doings in the necessary discharge of the duties of their office.

Time and place  
by the com-  
mittees, with a  
 proviso.

SECT. 6. *And be it further enacted*, That the time when, and places where said fish shall be taken in said river, or any brook or stream discharging into said *Indian Head River* or *Pond*, shall be agreed upon by, and be under the regulations of the committees of the said towns of *Pembroke* and *Hanover*, or the major part of them: *Provided*, the said committee shall not authorize the taking said fish more than three days in a week, in any of the places before mentioned; and the said committees shall post up notifications in two of the most public places in each of the said towns of *Pembroke* and *Hanover*, specifying the times and places when and where said fish shall be taken, six days at least before the said tenth day of *April* annually.

Forfeiture in  
case of breach  
of this Act.

SECT. 7. *And be it further enacted by the authority aforesaid*, That if any person or persons shall presume to take any of said fish, on the river or streams aforesaid, in any other way or manner than such as shall be directed by the aforesaid committee, or the major part of them, he shall forfeit and pay a sum not exceeding *three pounds*, nor less than *forty shillings*, at the discretion of the Justice before whom the same shall be tried; one moiety to him that shall prosecute and sue for the same, and the other moiety to the use of said towns of *Pembroke* and *Hanover*.

Being an in-  
habitant of ei-  
ther town, no  
disqualification  
as a witness.

SECT. 8. *And be it further enacted*, That no person shall be disqualified from being a witness, on any trial that may be had pursuant to this Act, on account of his being an inhabitant of or belonging to either of the said towns of *Pembroke* or *Hanover*. And if any person or persons shall be found, having said fish in his or their possession, and there be reasonable grounds of suspicion, that such person or persons took said fish unlawfully, he or they shall be subject to the penalties of this Act, unless sufficient evidence be adduced, that said fish were taken agreeably to the spirit and meaning of the same.

[This Act passed February 22, 1792.]

An ACT for setting off *Samuel Holmes, jun.* from the Town of *Stoughton*, and annexing him to the Town of *Sharon*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Samuel Holmes, jun.* with his family and estate,

tate, lying in the town of *Stoughton*, and adjoining to the line of the town of *Sharon*, be, and hereby is set off from the town of *Stoughton*, and annexed to and incorporated with the town of *Sharon*, and forever hereafter shall be considered as a part of the same :

SECT. 2. *Provided nevertheless*, That the said *Samuel Holmes*, jun. shall pay to the town of *Stoughton* his proportion of the debt, that town now owes, to be computed according to his proportion of the last State tax, in the same way and manner he would have been holden to pay the same had not this Act been passed.

[This Act passed February 22, 1792.]

An ACT incorporating the Honorable *John Worthington*, Esquire, and others therein named, for the Purpose of rendering *Connecticut River* passable, for Boats and other Things, from the Mouth of *Chickapee River*, northward throughout this Commonwealth, by the Name of the Proprietors of the Locks and Canals on *Connecticut River*.

Additional Acts, Feb. 25, 1793, June 21, 1793. Act for dividing the interest, Feb. 27, 1794. Additional Acts, Feb. 19, 1799, Feb. 25 and 26, 1800.

**W**HEREAS removing the obstructions to the passing of boats and other craft, made use of for the purposes of transportation upon *Connecticut River*, from the mouth of *Chickapee River*, so called, to the northern limits of this Commonwealth, will be of great public utility ; and *John Worthington*, Esq. and others, have petitioned this Court for an Act of incorporation, to empower them to make such canals and locks, and perform such other operations as are necessary to remove the difficulties now attending such passing ; and many persons under the expectation of such an Act have engaged to subscribe to a fund for the effecting the aforesaid purpose :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Honorable *John Worthington*, *Caleb Strong*, *Theodore Sedgwick*, *David Sexton*, *Samuel Lyman* and *Samuel Fowler*, Esquires, and *Robert Breck*, *Jonathan Dwight*, *Thomas Dwight*, *Justin Ely*, *Dwight Foster*, *Samuel Henshaw*, *Ebenezer Hunt*, *John Hosker*, Esquires, Messieurs *Ebenezer Lane*, *William Moore*, *Benjamin Prescott*, *Levi Shepard*, *William Smith*, *Simeon Strong*, and *John Williams*, Esquires, and their associates and successors, proprietors of such proposed canals and locks, and in the funds or real estate to be raised or purchased for effecting the purpose aforesaid, are hereby incorporated, and shall be a Corporation forever, under the name of the Proprietors of the

Proprietors incorporated.

Locks

Locks and Canals on *Connecticut River*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution ; and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations.

SECT. 2. *And be it further enacted by the authority aforesaid,*  
 — to make ap- That the said Proprietors, or any three of them, may make  
 plication for their application to any Justice of the Peace for the county of  
 calling meet- *Hampshire*, requesting him to call a meeting of the said Pro-  
 ings. prietors, to be holden at some convenient place within the  
 town of *Springfield*, in the same county ; whereupon such  
 Justice empow- Justice is hereby empowered to issue his warrant to one of  
 ered to issue his the said Proprietors, directing him to warn and notify said  
 warrant. Proprietors, to meet at such time and place in said town of  
*Springfield* as he shall therein direct, to agree on such method  
 as may be thought proper for calling meetings of said Propri-  
 etors for the future, and to do and transact such matters and  
 things, relating to the said propriety, as shall be expressed in  
 said warrant ; and the Proprietor to whom such warrant shall  
 be directed, shall give notice to the said Proprietors, by caus-  
 ing the same, or the substance thereof, to be published in the  
*Springfield* and *Northampton* news-papers, fourteen days before  
 the holding said meeting, and make return thereof, under his  
 hand, to the same meeting, to be lodged with the Clerk that  
 shall be then and there chosen : And the said Proprietors  
 may also, at any legal meeting, choose a Clerk, Treasurer, and  
 other officer or officers of the Corporation that they may  
 deem necessary, and also may choose a committee for regu-  
 lating and ordering the affairs and business of the said Cor-  
 poration ; and every Proprietor shall have a right to vote in  
 the proprietary meetings, according to his share and interest,  
 in person or by representation, in the following ratio ; from  
 one hundred to three hundred dollars inclusive shall have one  
 vote ; from three hundred and one to six hundred dollars inclu-  
 sive, shall have one vote more ; from six hundred and one to a  
 thousand dollars inclusive, shall have one vote more, and for  
 every thousand above a thousand dollars, shall have one vote  
 more, provided no one Proprietor shall have more than ten  
 votes : All representations to be proved in writing, signed by  
 the person making the same, by special appointment, which  
 shall be filed with and recorded by the Clerk ; and this Act,  
 and all rules, regulations and votes of the said Corporation,  
 shall be fairly and truly recorded by the said Clerk in a book  
 or books for that purpose to be provided and kept.

Proprietors  
empowered.

— may legally  
vote at meet-  
ings in propor-  
tion to their in-  
terest.

Provide.

SECT. 3. *Provided,* That whereas it may become necessary  
 in the prosecution of the foregoing business, that the property  
 of private persons may (as in the case of highways) be appro-  
 priated for the public use ; and in order that no person may  
 be



be damaged in his property by the cutting or making canals through his land, by removing mills or mill-dams, diverting water courses, or flowing his land, by the Proprietors aforesaid, for the purpose aforesaid, without receiving adequate compensation therefor :

SECT. 4. *Be it enacted by the authority aforesaid,* That in all cases where any person shall be damaged in his property, by the said Proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the Proprietors aforesaid do not, within twenty days after being requested thereto, make or tender reasonable satisfaction, to the acceptance of the person damaged by them as aforesaid ; the person so damaged may apply to the Court of General Sessions of the Peace for the county of *Hampshire*, to have a committee appointed by said Court, at his own expense, to estimate the damage so done ; and the said Court are hereby authorized and empowered by warrant under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a committee of five disinterested freeholders, in the same county, to estimate such damages ; which committee shall give seasonable notice to the persons interested, and to the Clerk of the Proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to perform the said service, according to their best skill and judgment ; which having done, they or the major part of them shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace, to be holden in said county, after the same service is performed ; to the end the same may be accepted, allowed and recorded ; and the committee so appointed are empowered and required to estimate the said damage, and make return thereof as aforesaid ; and if the estimate of the committee be accepted by the Court, the Clerk of said Court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged, in damages ; provided the same is not paid within the term of twenty days after the acceptance of said report, and likewise for the costs of the committee, and fees of the Court, both to be allowed by the Court ; provided the sum of damages, estimated by the committee, exceed the sum so tendered : But in case the Proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of the committee or Court : The execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, and returnable in the same time, as if judgment had been rendered against said Corporation, for a like sum

Compensation  
obtained for  
damage of  
property.

Committee ap-  
pointed to esti-  
mate damages.

Clerk to issue  
execution, with  
provisos.

sum in damage on process, in the Court of Common Pleas. And if any person find himself aggrieved by the doings of the said committee in estimating damages, he may apply to the said Court of General Sessions, provided such application be made to the same Court at the next session thereof in the same county, after the acceptance of such return; and said Court is hereby empowered to hear, and finally determine the same, by a jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desires the same, or by a new committee, if the person complaining and the Proprietors can agree thereon; and if the jury or committee agreed upon as aforesaid, who are to be under oath, shall not increase the sum of damages, the person complaining shall be at the cost incurred on that occasion, to be taxed against him by said Court; otherwise such cost and increase of damages shall be paid by the Proprietors, and execution to issue therefor in manner as before expressed. And it shall be the duty of such committee or jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where, and how many bridges shall be made and maintained by said Proprietors over the canals aforesaid, and how the same shall be constructed, and what damages shall be paid by the Proprietors for neglecting to make and maintain such bridges; and the report of such committee or the verdict of such jury, being returned into the same Court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages as aforesaid, saving only, that where the sum of damages is not estimated at a sum in gross for the full satisfaction thereof, but a yearly sum is assessed; in such case the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due during the continuance of the damage done or suffered as aforesaid, and also for the recovery of the damages for neglecting to make and maintain the bridges aforesaid, so often as the same is demandable.

SECT. 5. *And be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law take up, remove, break down, dig under, or otherwise damnify any dam, canal or lock, made use of for inclosing water for the purposes aforesaid, or any part thereof, or shall divert or obstruct the waters of any stream running to or from any pond, canal or reservoir, used, adapted and designed for the purposes aforesaid, or shall cut down, damnify, carry away, or set afloat to be carried away, any boards, plank, joist or other timber, or materials used, or to be used, in or about any of said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence forfeit and pay to the Proprietors aforesaid, treble the value of such dam-

Court of Sessions to hear and determine in case of appeal.

Committee empowered on application of the parties.

Penalties in case of destroying or injuring locks and canals.

ages,

ages, as the Proprietors aforesaid shall, to the Justice or Court and Jury before whom the trial shall be, make appear that they have sustained by means of the same trespass, to be sued for and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest of said county of *Hampshire*, for any offence or offences against this law; and on conviction thereof, on such presentment, before the Court of General Sessions of the Peace for said county, or before the Supreme Judicial Court, shall be liable to pay a fine, to the use of the Commonwealth, of not more than *twenty pounds*, nor less than *five pounds*, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the Proprietors aforesaid be, and they hereby are authorized and empowered, to purchase and hold to them and their successors forever, so much land and real estate as may become necessary for carrying into effect the purposes aforesaid.

Property vested in the Corporation.

SECT. 7. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors, the money by them expended, or to be expended in building and supporting the dams, canals and locks, and in clearing the passages necessary for the purposes aforesaid, a toll be, and is hereby granted and established, for the sole benefit of the said Proprietors, according to the rates following: For every ton weight, which shall be transported in boats or other vessels, through the locks and canals, between the mouth of *Chickapee River* in *Springfield*, and the mouth of *Stoney-Brook*, in *South-Hadley*, the sum of *four shillings and six pence*; for every thousand feet of boards, passing through the same locks and canals, the sum of *four shillings and six pence*; for plank and square timber, in proportion to the rate last mentioned, and for all other lumber floated on raft, or otherwise through the same locks and canals, in the same proportion; for every ton weight which shall be transported in boats or other vessels, through the locks and canals, between the mouth of *Deerfield River*, and the head of *Miller's-Falls*, so called, the sum of *five shillings and six pence*; for every thousand feet of boards, passing through the locks and canals last mentioned, *two shillings and six pence*; and for other lumber in the same proportion; and every boat or other vessel, passing through the same locks and canals, shall pay at the rate of *one shilling* for every ton burthen it is capable of conveying, whether the same is loaded or not.

Toll established.

—, rates of.

SECT. 8. *And be it further enacted by the authority aforesaid,* That there shall be toll gatherers and others, whose business it shall be to attend the locks in the day time, who shall give constant

Toll gatherers established.

— their duty.

constant attendance at their respective stations, during the whole of the season, for boats or rafts to pass, and on the toll being paid, shall immediately permit passengers with their property to pass the locks; and the said toll shall commence on the day of the opening said locks and canals, for the purposes aforesaid, and shall continue forever: *Provided*, that when fifty years from the first opening thereof are expired, the General Court from thenceforward may regulate the rate of toll; and the same shall be collected in such manner as shall be prescribed by the said Corporation.

Proprietors obligated to erect and maintain locks and canals.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the Proprietors aforesaid shall erect, keep up, and forever maintain such dams, canals and locks, and shall also so clear the passages of the river aforesaid, between the mouth of *Chickapce River*, (so called) in *Springfield*, and the mouth of *Stoney-Brook*, (so called) in *South-Hadley*, and between the mouth of *Deerfield River*, (so called) and the head of *Miller's-Falls*, (so called) in *Connecticut River*, as that rafts and floats of timber, not exceeding twenty feet in width, or sixty feet in length, may pass securely down, and that boats and other craft, usually made use of for transporting goods in *Connecticut River* aforesaid, within this Commonwealth, may pass securely up and down, between the places abovementioned, at all seasons of the year, when the other parts of said river are passable up and down, by such boats or other craft, for transportation; and that they shall keep and expose to view when required, the rates of toll of the tollable articles, fairly and legibly written or printed, at the several places where the toll shall be received.

Act to be void in case.

SECT. 10. *And be it further enacted by the authority aforesaid*, That if the said Proprietors shall refuse or neglect, for the space of four years after the passing of this Act, to build and complete such dams, canals and locks, and to clear the passages of the river between the places first abovementioned, so as to be passable in manner as aforesaid, then this Act, so far as it respects the same, shall be void and of no effect; and if the said Proprietors shall neglect or refuse for the space of six years after passing this Act, to build and complete such dams, canals and locks, and to clear the passages of the river between the mouth of *Deerfield River*, and the head of *Miller's-Falls* aforesaid, so as to be passable in manner as aforesaid, then this Act shall be void and of no effect, so far as respects the locks and canals last mentioned.

[This Act passed February 23, 1792.]

Am

An ACT for dissolving the First and Second Parishes in *Malden*, and for confirming certain Articles of Union, entered into between the said Parishes.

**W**HEREAS the first and second Parishes in *Malden*, in the county of *Middlesex*, by certain articles of agreement, mutually made and duly ratified by both parishes, on the twenty-fourth day of *January* last past, have agreed to unite for the purpose of supporting the public worship of God in said town, and have petitioned this Court to give operation and effect to said agreement, the granting whereof will probably tend to the peace and welfare of said town : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all laws heretofore made and passed, by force of which said second parish was erected, and does now exist as a distinct body politic, be, and the same are hereby repealed, and that both the said bodies politic or parishes be, and the same hereby are dissolved. Laws repealed, and parishes dissolved.

SECT. 2. *Provided nevertheless,* That they shall still continue to exist so far as to enable them to carry any legal contract, by them heretofore made, with their ministers or any other persons, into execution, and to sue for and recover any debts due to them, and that they shall remain liable to be sued for any debts due from them, in the same manner as if this Act had not been made. Proviso.

SECT. 3. *And be it further enacted,* That for the future, the inhabitants of the said parishes shall and may unite, and shall have power, and be held as a town, to choose, settle and make provision for the support of a public teacher or teachers of piety, religion and morality, and of the public worship of God in said town, in the same way and manner as other towns are authorized and held by law to do, and as the said town of *Malden* was authorized and held to do previous to its division into parishes, any law, usage or custom to the contrary notwithstanding. Inhabitants empowered.

SECT. 4. *And be it further enacted,* That the articles of agreement aforesaid, entered into by said parishes as the foundation of their union, be, and the same hereby are ratified and confirmed, and declared to be binding upon said town. Articles of agreement confirmed.

[This Act passed *February 23, 1792.*]

An

Additional  
Acts, June 22,  
1792, Feb. 15,  
1793, Feb. 23,  
1796.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Essex*, and for supporting the same.

Preamble.

WHEREAS the erecting a bridge over *Merrimack River*, between the towns of *Newbury* and *Salisbury*, in the county of *Essex*, will be of great public convenience; and whereas *Nathaniel Carter*, Esq. and others have presented a petition to this Court, setting forth, that they, with divers other persons, have associated for the purpose of building said bridge, and praying for liberty to build the same, and to be incorporated for that purpose:

Proprietors in-  
corporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Carter, Tristram Dalton, and Stephen Cross*, Esquires, Messieurs *William Coombs*, *Moses Brown*, *Timothy Dexter*, *George Searle*, *Joseph Tyler*, and *Dudley Atkins Tyng*, Esq. with such other persons as have with them associated as aforesaid, and all those who may hereafter become Proprietors in the said bridge, be, and they hereby are made and constituted a corporation and body politic, for the purpose aforesaid, by the name of The Proprietors of *Essex Merrimack Bridge*; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

— may call  
a meeting.

SECT. 2. *And be it further enacted by the authority aforesaid; That the said Nathaniel Carter, Stephen Cross, and William Coombs*, or any two of them, may, by advertisement in the *Essex Journal*, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place after five days from the first publication of the said advertisement: And the Proprietors by a vote of the majority of those present, or represented at the said meeting (accounting and allowing one vote to each single share in all cases; provided however, that no one Proprietor shall be allowed more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his said office; and shall also agree on a method of calling future meetings; and at the same, or any subsequent meetings, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll herein after granted and established; and the same rules and by-laws may cause to be executed, and may annex penalties to the

— to choose  
officers.

— establish  
by-laws.

the breach thereof, not exceeding *three pounds*; provided the said rules and by-laws are not repugnant to the constitution or laws of this Commonwealth: And all representations at any meetings of the said Corporation, shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk: And this Act, and all rules, by-laws, regulations and proceedings of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose. Provifo.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby permitted and allowed to erect a bridge over *Merrimack River*, from a place called the Pines in *Newbury* aforesaid, to *Deer-Island*, (so called) and from the said island, to *Salisbury* aforesaid. Allowed to build a bridge.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby authorized and empowered to purchase *Deer-Island* aforesaid, to hold the same in fee simple; and that the share or shares of any Proprietor in the said island and bridge, may be transferred by deed, acknowledged and recorded by the Clerk of the said Proprietors, in a book to be kept for that purpose: And when any share or shares of the said bridge and island shall be attached, as the property of any of the said Proprietors on *mesne* process, an attested copy of such process shall be left with the Clerk of the said Proprietors, at the time of such attachment, otherwise the same shall be void. Empowered to purchase and hold.

SECT. 5. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors, the money by them to be expended, in building and supporting the said bridge, a toll be and hereby is granted and established, for the sole benefit of the said Proprietors, according to the rates following, *viz.* For each foot passenger, *two thirds of a penny*; for each horse and rider, *two pence*; for each horse and chaise, chair and sulkey, *seven pence*; for each riding sleigh, drawn by one horse, *six pence*; for each riding sleigh drawn by more than one horse, *nine pence*; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *one shilling and six pence*; for each curricule, *one shilling*; for each cart, sled, sleigh or other carriage of burthen, drawn by one beast, *six pence*; for each waggon, cart, sled, sleigh or other carriage of burthen, drawn by more than one beast, *nine pence*; for each horse or neat cattle, exclusive of those rode or in carriages, *two pence*; for sheep and swine, *two thirds of a penny*; and to each team one person and no more shall be allowed as a driver to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and A toll establish. ed. —, rate of.

— to continue fifty years. the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for the term of fifty years from said day :

Proviso. SECT. 6. *Provided nevertheless*, The Legislature shall have a right, after the expiration of thirty years, to regulate and determine the rate of toll ; and said bridge shall be kept in good, safe and passable repair, and at the end of the said term, shall revert to, and be the property of this Commonwealth, and be delivered by the Proprietors, in like repair.

Bridge to revert to the Commonwealth. SECT. 7. *And be it further enacted by the authority aforesaid*, That the said bridge shall be at least thirty feet wide ; that between *Newbury* and *Deer-Island* there be an arch one hundred and sixty feet wide ; that between *Deer-Island* and *Salisbury* there be an arch one hundred and forty feet wide, a convenient draw or passage-way, for the passing and re-passing of vessels at all times, fifty feet wide, with well constructed, substantial and convenient piers on each side of the bridge, and adjoining said draw, sufficient for vessels to lie at securely ; and also another arch fifty feet in width ; and that the crown of the arch between *Newbury* and *Deer-Island* be at the least forty feet high, and that each of the abutments thereof be twenty-eight feet six inches high in the clear, above common high water mark ; and that all the abutments and piers be built of wood below high water, and laid in the cob-work manner, (so called) and that the bridge be covered on the top with plank or timber, and the sides be boarded up two feet high, and be railed, for the security of passengers, four feet high at the least ; and the same shall be kept in good, safe and passable repair ; and that said draw shall be lifted for all ships and vessels, without toll or pay, by night and by day ; and all ships and vessels, intending to pass the said draw, shall lie free of charge at the wharf or pier until a suitable time shall offer for passing the same. And said Proprietors shall constantly keep some suitable person or persons at said draw, for lifting up the same for the purpose aforesaid ; and also an anchor placed in the bed of the river, at a proper distance on each side of the bridge, with a buoy and such other accommodations as shall be necessary for the safe passing and re-passing of vessels through the said draw ; and shall keep said bridge furnished with at least five good lamps on each side of the same, which shall be well supplied with oil, and kept burning through the night.

Compensations for damages. SECT. 8. *And be it further enacted by the authority aforesaid*, That within one year after the said bridge shall be opened for passengers, the said Proprietors shall pay to *John Webster* and *Joseph Swazey*, and also to the town of *Salisbury*, all such sums of money as shall be respectively awarded to them or either of them, by three indifferent men mutually chosen by the parties, as a full compensation for any injury sustained by them respectively,



ively, by the erecting of the said bridge; and in case of the refusal of either of the parties aforesaid to appoint such referees, the Judges of the Court of Common Pleas for the county of *Essex* shall ascertain and adjudge said compensations, after due notice to all concerned.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect, for the space of four years from the passing of this Act, to build the said bridge, then this Act shall be void and of none effect. Act to be void in case.

[This Act passed February 24, 1792.]

An ACT for incorporating the North Precinct of the Town of *Braintree*, in the County of *Suffolk*, into a separate Town by the Name of *Quincy*, and for annexing fundry Inhabitants of the Town of *Dorchester*, with their Estates, to the said Town of *Quincy*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands comprised within the north precinct of the town of *Braintree*, as the same is now bounded, with the inhabitants dwelling thereon, be, and they hereby are incorporated into a town by the name of *Quincy*, and the said town is hereby invested with all the powers, privileges and immunities to which towns within this Commonwealth are or may be entitled, agreeable to the constitution and laws of the said Commonwealth. Quincy incorporated.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Quincy* shall pay all the arrears of taxes which have been assessed upon them by the town of *Braintree*, and shall support any poor person or persons who have heretofore been, or now are inhabitants of that part of *Braintree* which is hereby incorporated, and are or may become chargeable, and who shall not have obtained a settlement elsewhere, when they may become chargeable, and such poor person or persons may be returned to the town of *Quincy* in the same way and manner that paupers may by law be returned to the town or district to which they belong. And the inhabitants of the said town of *Quincy* shall pay their proportion of all debts now due from the said town of *Braintree*, and shall be entitled to receive their proportion of all debts and monies now due to the said town of *Braintree*, and also their proportionable part of all the other property of the said town of *Braintree*, of what kind or description soever. — to pay arrears of taxes.

SECT. 3. *Provided always,* That the lands belonging to the said town of *Braintree*, for the purpose of maintaining schools, shall be divided between the said town of *Braintree*, Provido. and

and the town of *Quincy*, in the same proportion as they were respectively assessed for the payment of the last State tax; and no town tax shall be laid by either of the said towns upon the said lands, so long as the rents thereof shall be appropriated to the purpose of supporting a school or schools.

SECT. 4. *And be it further enacted by the authority aforesaid, That Benjamin Beale, jun., Joseph Beale, John Billings, Ebenezer Glover, and Josiah Glover, inhabitants of that part of the town of Dorchester, in said county of Suffolk, called Squantum and The Farms, with their lands and estates lying within the limits of that part of Dorchester, called Squantum and The Farms, be, and they hereby are set off from the said town of Dorchester, and annexed to the said town of Quincy.*

Persons and estates set off to the town of Quincy.

— to pay arrears of taxes.

SECT. 5. *And be it further enacted, That the said Benjamin Beale, jun., Joseph Beale, John Billings, Ebenezer Glover, and Josiah Glover, shall pay all the arrears of taxes which have been assessed upon them by the town of Dorchester, together with all the expenses of maintaining the widow, descendants, or any part of the family of Thomas Wells, late of said Dorchester, deceased, which are or may become chargeable, as the poor of the town of Dorchester, and shall not be held to pay any other expense whatever to the said town of Dorchester.*

R. Cranch, Esq. to issue his warrant.

SECT. 6. *And be it further enacted by the authority aforesaid, That Richard Cranch, Esquire, be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of Quincy to assemble and meet at some suitable time and place in the said town, as soon as conveniently may be, to choose all such officers as towns are required to choose at their annual town-meetings in the month of March or April annually.*

[This Act passed February 23, 1792.]

## An ACT for changing the Name of Samuel Turner, to Samuel James Longman.

Preamble.

WHEREAS some advantages are expected to accrue to Samuel Turner, son of William Turner, Esq. of Boston, in the county of Suffolk, by said Samuel's having the name of Samuel James Longman; and upon the petition of the said William therefor:

Name changed.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the said Samuel Turner shall be allowed to take the name of Samuel James Longman, and by that name, instead of his present christian and surname,*

to be called and known; and that to all legal purposes, the said name of *Samuel James Longman* shall be considered as his own proper and only name, and avail accordingly.

[This Act passed February 25, 1792.]

An ACT for erecting a Town within the County of  
*Hampshire*, by the Name of *Russell*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the north-westerly part of *Westfield*, called the *New Addition*, on the westerly side of *Westfield River*, and the south-westerly part of *Montgomery*, included between the heights of *Shatterack* mountain, *Teko* mountain, and *Westfield River* afore-said, and bounded as follows, viz. Beginning at *Blanford* line, where it crosses *Westfield River*; then running down said river, till it comes to a turn in the river, near the foot of *Shatterack* mountain, at the north-westerly part thereof; then crossing said river, to a maple tree, marked with stones about it, standing at high water mark, on the eastern bank; then running south thirty-two degrees east, one hundred and sixty rods, to a pine saddle marked with stones about it, on the height of *Shatterack* mountain; then running south twenty-eight degrees and fifty minutes east, eight hundred and ninety-four rods, partly along the ridge of *Teko* mountain, to a black oak saddle marked, with stones about it, towards the southerly end of said *Teko* mountain; then running south four degrees east, two hundred and twenty rods, to a small flat rock, marked I. S. 41, by the highway, a few rods easterly of the river, and near the south end of said *Teko* mountain; then running south thirty-eight degrees west, crossing said river, and continuing a straight line, to a little river near the foot of the west mountain; then westerly upon said river, to the line between the third and fourth tier of lots; then southerly upon said line, to *Granville* town line; then running west twenty-two degrees north, on *Granville* line, to the south-east corner of the town of *Blanford*; then running north twenty degrees east, on *Blanford* line, to the first mentioned bounds, be, and hereby is incorporated into a town by name of *Russell*; and the said town shall be, and hereby is invested with all the privileges and immunities, that towns in this Commonwealth do or may enjoy by the constitution or laws of the same.

Russell incor-  
porated.

Boundaries.

SECT. 2. *And be it further enacted,* That *Samuel Fowler*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Russell*, directing him to notify the inhabitants of said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meeting in the month of *March* or *April*.

Samuel Fowler,  
Esq. to issue his  
warrant.

SECT.

Proviso.

SECT. 3. *Provided nevertheless,* The inhabitants of said town shall pay all such town, State, county and other taxes, as are already assessed upon them by the towns to which they have respectively belonged, together with all State and county taxes, that may be hereafter assessed upon them by the said towns to which they have belonged, until a new valuation shall be taken, and no longer; and the inhabitants aforesaid shall pay their proportion of all public debts, which are now due from the said towns to which they respectively belonged.

Inhabitants thereof to receive all their dues.

SECT. 4. *And be it further enacted,* That the inhabitants of the said town of *Russell* shall be entitled to demand and receive their just proportion of all monies due, and of the arms and ammunition belonging to the towns to which they respectively belonged.

— to make and maintain roads.

SECT. 5. *And be it further enacted,* That the inhabitants of the said town of *Russell* do, and shall forever hereafter make and keep in good repair all such roads and cart-ways through the said town of *Russell*, as the town of *Westfield* ought or by law is now obliged to make and maintain there.

— to pay proportion of arrearages for supporting poor.

SECT. 6. *And be it further enacted,* That the inhabitants of the said town of *Russell* shall be chargeable with their proportionable part of the expense of supporting the poor, which at the time of passing this Act were the charge of the towns to which the said inhabitants respectively belonged, and that the said town of *Russell* shall be held to support all poor persons which may hereafter be returned to the town of *Westfield* and *Montgomery*, who have gained a settlement in that part of the town of *Westfield* or *Montgomery*, which is now incorporated into the town of *Russell*.

[This Act passed *February 25, 1792.*]

An ACT to set off *Joseph Danforth, Josiah Danforth, John Cumings, and Joseph Upton*, from the Town of *Dunstable*, in the County of *Middlesex*, and to annex them to the District of *Tyngsborough*.

Preamble.

**W**HEREAS *Joseph Danforth, Josiah Danforth, John Cumings, and Joseph Upton*, have petitioned this Court to be set off from the town of *Dunstable*, and annexed to the district of *Tyngsborough*; and it appearing reasonable that the prayer of the said petition should be granted:

Families set off, with the boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Joseph Danforth, Josiah Danforth, John Cumings, and Joseph Upton*, with their respective families, and that part of said *Upton's* and *Cumings'* estate, containing twenty-seven acres and forty-one rods, which is included within the following lines, viz. Beginning at *Tyngsborough* line, at Col.

*John*

*John Tyng's* great farm, (so called,) and running from thence north two degrees west, seventy-three poles, running two rods west from *John Cummings'* barn, till it comes to the town road leading from said *Cummings'* house to *Joseph Upton's* house; thence by said road north-westerly, till it comes within four roads of said *Upton's* barn; thence south, thirty degrees west, eight rods; thence west, nine degrees north, ten rods; thence north, ten degrees east, eight rods, to the said road; thence across said road east, two degrees north, to *Tyngsborough* line; thence by said line to the bounds first mentioned; and that part of the estate of the said *Joseph Danforth* and *Josiah Danforth*, containing sixty-two acres and eighty-one rods, which is included within the following lines, viz. Beginning at *Tyngsborough* line, where the southerly line of the said *Danforth's* farm crosses it; thence running south, sixteen degrees west, one hundred and fourteen rods; thence south, forty degrees west, seventy rods; thence south, six degrees east, forty-one rods; thence west, eight degrees south, forty-three rods; thence north, one degree and forty-five minutes west, fifty rods; thence north, seventy-four rods, two rods west of the house of said *Danforth*; thence north, thirty degrees east, two rods, north of said *Danforth's* barn, fourteen rods; thence east, two degrees north, sixty rods; thence north, thirty-two degrees west, ninety-three rods, to *Tyngsborough* line; thence south, two degrees east, ten rods, to the bound first mentioned; be, and hereby are set off from the town of *Dunstable*, and annexed to the district of *Tyngsborough*.

SECT. 2. *Provided nevertheless*, That the said petitioners Provide. shall pay all taxes that have been legally assessed on them by the said town of *Dunstable*, in like manner as if this Act had never been passed.

[This Act passed March 3, 1792.]

### An ACT ascertaining the Boundary Line between the Towns of *Medway* and *Sherburne*.

**W**HEREAS some doubts have arisen respecting the boundary line between the towns of *Medway* and *Sherburne*:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the boundary line between the said towns of *Medway* and *Sherburne*, for the future, shall be as follows, to wit: Beginning at a ditch a little east of, and near *Breck's* hill, (so called) at *Charles River*; from thence westerly across the small pine hill called *Breck's* hill; and so continuing a straight line in a westerly direction to a place known by the name of *Allen's* corner, and according to former perambulations to a heap of stones, at or near *Sheffield's* corner, (so called.) Boundary line.

SECT.

**SECT. 2.** *And be it further enacted,* That the inhabitants to and owners of the lands which by this Act will in future be-  
 pay proportion long to the town of *Medway*, shall be holden to pay their pro-  
 of taxes. portion of all State and county taxes to the said town of *Sherburne*, until a new valuation shall be settled by the General Court, and no longer : And the said town of *Medway* shall assess the said inhabitants their proportion of all town and parish taxes, in the same manner as if the said inhabitants had heretofore been considered as inhabitants of the said town of *Medway*.

[This Act passed March 3, 1792.]

An ACT to set off *Asabel Smith* and others from  
*South Hadley to Granby.*

**SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Asabel Smith, John Mandeville, Levi Smith, David Nash, jun. Noah Clark, Israel Clark, James Giddings, Jotham Clark, Enos Clark, Eleazer Ayres,* and the land belonging to the heirs of *Israel Clark*, deceased, (the said land adjoining the first named *Israel Clark*) with their respective families and estates, be, and hereby are set off from the said town of *South Hadley* in said county of *Hampshire*, and annexed to the town of *Granby* in said county, and shall hereafter be considered as part of the same, there to do duty and receive privileges as the other inhabitants of said town of *Granby*.

**SECT. 2.** *Provided nevertheless,* That the said *Asabel Smith, John Mandeville, Levi Smith, David Nash, jun. Noah Clark, Israel Clark, James Giddings, Jotham Clark, Enos Clark, Eleazer Ayres,* and the aforesaid land belonging to the heirs of *Israel Clark*, deceased, shall be held to pay their proportion of all such State and county taxes as shall be laid by the Legislature upon said town of *South Hadley*, before the settlement of another valuation.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That the town of *Granby*, from the passing this Act, shall keep in good repair the following roads, viz. The county road from the top of *Cold-Hill*, so called, in *South Hadley* aforesaid, to the dividing line between the towns aforesaid ; also the county road from the top of the hill near *David Church's* dwelling-house to the dividing line aforesaid ; also the county road through *William Eastman's* home lot to the west side of said lot, including the gate leading out of the same ; any law or resolve to the contrary notwithstanding.

[This Act passed March 6, 1792.]

An ACT incorporating certain Persons for erecting a Bridge over *Connecticut River*, between *Montague* and *Greenfield*, in the County of *Hampshire*.

**W**HEREAS application hath been made to this Court for permission to build a bridge over *Connecticut River*, between *Montague* and *Greenfield*, at a place called the *Great-Falls*, and it appearing that a bridge in said place, will be of great public utility :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Honorable *David Sexton* and *David Smead* Esquires; *Lyman Taft* and *Elisba Mack*, together with their associates, and those who shall hereafter associate with them, with their heirs and assigns, be, and hereby are constituted a corporation and body politic, for the purpose of erecting a bridge over *Connecticut River*, between *Montague* and *Greenfield*, in the county of *Hampshire*; that for the purposes of reimbursing to said *David Sexton* and others, beforenamed, their associates, their heirs and assigns, the money expended or to be expended, in building and supporting the said bridge, a toll be, and hereby is granted and established for the sole benefit of the said *David Sexton* and others before named, their associates, and their heirs and assigns, for the space of fifty years, according to the rates following, viz. For each foot passenger, or one person passing, *one penny one third of a penny*; one person and horse, *three pence*; single horse-cart, sled or sleigh, *six pence*; sleigh drawn by two or more horses, *nine pence*; single horse chaise, chair or sulkey, *six pence*; coaches, chariots, phaetons and curricles, *one shilling and six pence*; all other carriages drawn by two beasts, *nine pence*; all other wheel carriages drawn by more than two beasts, *one shilling and four pence*; neat cattle and horses passing said bridge, exclusive of those rode on, or in carriages or teams, each, *one penny one third of a penny*; swine and sheep, for each dozen, and at the same rate, for a greater or less number, *six pence*; and in all cases the same toll shall be paid for all carriages and vehicles passing the said bridge, whether the same be loaded or not loaded, and to each team, one man and no more shall be allowed as a driver, to pass free from payment of toll; and the toll gatherer shall not be obliged at any time to open the gate or gates for any passenger or passengers, until he is paid the rate or toll of such passenger or passengers; and at all times when the toll gatherer shall not attend his duty, and from sun-rising to sun-setting on the Lord's day, the gate or gates shall be left open, Lord's day excepted from toll.

open, and no toll shall be taken: And the said toll shall commence on the first day of the opening said bridge for passengers, and shall continue fifty years.

**SECT. 2.** *And be it further enacted by the authority aforesaid,*  
 Dimensions and materials. That the said bridge shall be well built, at least twenty feet wide, of good and suitable materials, and well covered with plank and timber on the top, suitable for such a bridge, with sufficient rails on each side, for the safety of passengers; and  
 To be kept in good repair. the proprietors shall keep the said bridge in good, safe and passable repair for fifty years; and if the said proprietors shall unreasonably refuse or neglect, to keep the said bridge in such safe and passable repair as aforesaid, on such refusal or neglect, being made to appear to the Justices of the Court of General Sessions of the Peace, for said county of *Hampshire*, it shall be  
 Prohibition of toll in case of neglect: in the power of the Justices aforesaid, to prohibit and forbid the proprietors aforesaid, from receiving any toll from any person or persons, for the use of said proprietors, until it is again put in such passable repair, as by the same Justices shall be deemed sufficient; and if the proprietors of said bridge, or any of them, or any other person, shall, during the time of such prohibition, and after being duly notified thereof, be convicted before any Justice of the Peace for the same county, of receiving of any person or persons, any toll or reward, for the use of said proprietors, the person or persons so convicted, shall forfeit and pay for each offence the sum of *twenty shillings*, one moiety thereof to accrue to the use of the person or persons complaining, the other moiety to the use of the county of *Hampshire*.  
 And Penalty.

**SECT. 3.** *Provided nevertheless,* That from and after forty years from the passing this Act, it shall be in the power of the Court of General Sessions of the Peace, for the said county of *Hampshire*, to regulate the toll of said bridge, and to determine what toll and fare the said proprietors shall and may receive for the use of the said proprietors; any thing herein to the contrary notwithstanding.  
 Proviso.

**SECT. 4.** *And be it further enacted,* That at the end of fifty years, the said proprietors shall deliver up the said bridge, in good order and in full repair, to the Commonwealth, and the said bridge shall revert to, and become the property of this Commonwealth.  
 To revert hereafter to government.

**SECT. 5.** *Provided nevertheless,* That if the said proprietors shall not, within four years from the passing this Act, erect and complete the said bridge, then this Act shall be null and void.  
 Proviso.

[This Act passed *March 6, 1792.*]



An ACT for annexing Part of the Town of *Norwich* and Part of the Town of *Southampton* to the Town of *Montgomery*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a certain tract of land belonging to the town of *Norwich*, in the county of *Hampshire*, beginning at the north-westerly corner of said *Montgomery* called *Rock House Corner*; from thence running easterly on said *Montgomery*, line, until it comes to *Southampton* line; then turning and running northerly one hundred and sixty-two rods, to the north-west corner of the *Fourth Mile Square*, so called; then turning and running westerly six hundred and seventy-two rods, to the corner of *Taylor* and *Day's* land; then turning and running south-westerly two hundred rods to the first mentioned corner, be, and the same is hereby set off from the said town of *Norwich*, and annexed, together with the inhabitants thereon, to the town of *Montgomery*. Part of Norwich annexed to Montgomery.

SECT. 2. *Provided,* The inhabitants and owners of said tract of land shall be holden to pay to the town of *Norwich* their proportion of all taxes which have been assessed on the polls and property so taken off and annexed as aforesaid. Proviso.

SECT. 3. *And be it further enacted,* That a certain part of the town of *Southampton*, bounded as follows, viz. Beginning at a corner of said *Montgomery*, being the north-east corner of the *Fifth Mile Square*, so called; thence running north four degrees east, one hundred and thirty-five rods; thence west two degrees south, three hundred and twenty rods, to the line of *Montgomery*, be, and the same is hereby taken from the town of *Southampton*, and annexed to the town of *Montgomery* with the inhabitants thereon. Part of Southampton annexed to said town.

SECT. 4. *Provided,* The inhabitants and owners of the said land so annexed shall pay to the town of *Southampton* their proportion of all taxes which have been assessed thereon. Proviso.

[This Act passed *March 6, 1792.*]

An ACT to incorporate the Plantation called *Shepardsfield*, in the County of *Cumberland*, into a Town by the Name of *Hebron*. Additional Act, June 21, 1804.

**W**HEREAS application has been made to this Court, by a number of the inhabitants of the plantation called *Shepardsfield*, in the county of *Cumberland*, to have said plantation with the inhabitants thereon, incorporated into a town; and the same being considered of public utility: Preamble.

SECT.

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Shepardsfield* in the county of *Cumberland*, bounded as follows, viz. Beginning at a stake and stones near *Thompson's Pond*, (so called) seven miles and a quarter north-west from a beach tree, in the head line of *New-Gloucester*, which tree is four miles north-east from the most westerly corner of said *New-Gloucester*, and from said stake and stones north, forty-five degrees east, twelve miles to a white pine tree; thence north, twenty degrees east, three hundred and fifty poles, to a stake and stones; thence north seventy degrees west, four miles and a half, to a beach tree; thence south fourteen degrees east, seven hundred and thirty-six poles, to a pine tree; thence south sixty-eight degrees and a half west, five miles; thence north fourteen degrees west, two miles; thence south fifty-four degrees west, twelve hundred and sixteen poles to a hemlock tree; thence south twenty-five degrees east, seven miles and a half and twenty poles, to the stake and stones first mentioned, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Hebron*, and vested with all the powers, privileges and immunities, which towns in this Commonwealth do or may by law enjoy.

William Wedgery, Esq. to issue his warrant.

SECT. 2. *And be it further enacted,* That *William Wedgery*, Esquire, be, and he hereby is empowered to make out a warrant, directed to some principal inhabitant of said town, to notify the inhabitants thereof, qualified by law to vote in town affairs, to assemble and meet at some suitable time and place, in said town, to choose all such town officers as towns are required by law to choose in the month of *March* or *April* annually.

[This Act passed *March 6, 1792.*]

An ACT to incorporate and establish a Society by the Name of The *Massachusetts* Society for promoting Agriculture.

Preamble.

WHEREAS very great and important advantages may arise to the community from instituting a society for the purpose of promoting agriculture; and divers persons having petitioned to this Court to be incorporated into a society for that laudable purpose:

Society incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said petitioners, viz. *Samuel Adams, John Avery, jun. Joseph Barrell, Martin Brimmer, Charles Bulfinch, John Codman, Edward Cutts, Aaron Dexter, Thomas Durfee, Moses*

*Moses Gill, Christopher Gore, Benjamin Guild, Stephen Higginson, Henry Hill, Samuel Holton, Benjamin Lincoln, John Lowell, Jonathan Mason, Jonathan Mason, jun. Azor Orne, Samuel Phillips, Thomas Russell, Samuel Salisbury, David Sears, James Sullivan, Cotton Tufts, Charles Vaughan, and Thomas Winthrop, together with such others who shall become members thereof, be, and they are hereby incorporated into, and made a body politic and corporate forever, by the name of The Massachusetts Society for promoting Agriculture.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said corporation be, and are hereby declared and made capable in law of having, holding, purchasing and taking in fee simple, or any less estate by gift, grant, devise or otherwise, any lands, tenements, or other estate real and personal; *Provided,* That the annual income of the said real and personal estate shall not exceed the sum of *ten thousand pounds*; and also to sell, alien, devise or dispose of the same estate, real and personal, not using the same in trade or commerce.

— empowered to purchase and hold estate.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; that it shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or other courts or places whatsoever, in all actions real, personal and mixed; and to do and execute all and singular other matters and things, that to them shall and may appertain to do.

— empowered with a common seal.

— subject to law.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said corporation may make, establish and put in execution, such laws and regulations as may be necessary to the government of said corporation: *Provided* the same shall in no case be repugnant to the laws and constitution of this State. And, for the well governing of the said corporation, and the ordering their affairs, they shall have such officers as they shall hereafter from time to time elect and appoint; and such officers as shall be designated by the laws and regulations of the said corporation for the purpose, shall be capable of exercising such power for the well governing and ordering the affairs of the said corporation, and calling and holding such occasional meetings for that purpose as shall be fixed and determined by the said laws and regulations.

— empowered to enact by-laws.

— choose officers.

— their powers.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the end and design of the institution of the said society is for the purpose of promoting useful improvements in agriculture.

Design of their institution.

SECT. 6. *And be it further enacted,* That the place of holding the first meeting of the said society shall be in the town of *Boston*; and that *Samuel Adams, Esquire*, be, and he hereby

is

is authorized and empowered to fix the time for holding the said meeting, and to notify the same to the members of the said society, by causing the same to be published in one of the *Boston* newspapers, fourteen days before the time fixed on for holding the said meeting.

[This Act passed *March 7, 1792.*]

An ACT for establishing an Academy in the Town of *Machias*, by the Name of *Washington Academy*.

Preamble.

**W**HEREAS the encouragement of literature among the rising generation has ever been considered by the wise and good as an object of the most serious attention ; and as the prosperity and happiness of a free people greatly depend upon the advantages arising from a pious and virtuous education :

Academy established.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and hereby is established in the town of *Machias*, in the county of *Washington*, an Academy by the name of *Washington Academy*, for the purpose of promoting piety, religion and morality, and for the instruction of youth in such languages and such of the liberal arts and sciences as the Trustees shall direct ; and the Rev. *James Lyon*, the Hon. *Stephen Jones* and *Alexander Campbell*, Esquires, *James Avery*, *John Crane*, *George Stillman*, *Phineas Bruce*, *John Cooper*, and *Gustavus Fellows*, Esquires, Messieurs *Joseph Wallace*, *John Buckman*, *John Foster*, and *Theodore Lincoln*, Gentlemen, be, and they hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politic, by the name of *The Trustees of Washington Academy*, and they and their successors shall be and continue a body politic by the same name forever.

Trustees appointed.

Estates confirmed to the Trustees.

SECT. 2. *And be it further enacted,* That all the lands and monies which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed : *Provided* such uses shall not be repugnant to the design of this Act : And they the said Trustees shall be further capable of having, holding and taking, in fee simple, by gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal ; (*provided*, the annual income of the whole shall not exceed *two thousand pounds* ;) and shall apply the rents, issues and profits thereof, in such a manner, as that the end of the Academy, may be most effectually promoted.

Proviso.

SECT.

SECT. 3. *Be it further enacted,* That the said Trustees shall have full power from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices: to remove any Trustee from the corporation when, in their opinion, he shall be incapable, through age or otherwise, of discharging the duties of his office: to fill all vacancies, by electing such persons for Trustees as they shall judge best: to determine the times and places of their meetings; the manner of notifying the said Trustees; the method of electing or removing Trustees: to ascertain the powers and duties of their several officers: to elect Preceptors and Ushers of said Academy: to determine the duties and tenures of their offices: to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the Academy; and ascertaining the qualifications of the students requisite to their admission; and the same rules, orders and by-laws at their pleasure to repeal.

Trustees empowered.

SECT. 4. *Be it further enacted,* That the Trustees of the said Academy may have one common seal, which they may change at pleasure; and that all deeds signed and delivered by the Treasurer or Secretary of said Trustees, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such be duly executed and valid in law; and that the Trustees of said Academy may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Washington Academy.*

— to have a seal.

SECT. 5. *Be it further enacted,* That the number of the said Trustees and their successors shall not at any one time be more than fifteen, nor less than nine, seven of whom shall constitute a quorum for transacting business; and a majority of the members present at any legal meeting, shall decide all questions proper to come before the Trustees; that a major part shall be laymen and respectable freeholders; also, that a major part shall consist of men who are not inhabitants of the town where the seminary is situated.

—, number limited.

—, who to consist of.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if it shall hereafter be judged, upon mature and impartial consideration of all circumstances, by two-thirds of all the Trustees, that for good and substantial reasons, which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded; in that case it shall be in the power of the said Trustees to remove it accordingly, and to establish it in such other place within this State, as they shall judge to be best calculated for carrying into effectual execution the intention of this Act.

— empowered in certain cases to remove the seminary.

SECT.

**A. Campbell, Esq. to notify.** SECT. 7. *Be it further enacted*, That the Hon. *Alexander Campbell, Esq.* be, and he hereby is authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

**Appropriation.** SECT. 8. *Provided nevertheless, and be it further enacted*, That the Trustees of the said Academy, and their successors in office, be, and they hereby are empowered to expend the income arising from any money, lands, or other estate, given or granted, or which may be given or granted, for the use of said Academy, in supporting schools for the instruction of youth in the several towns in the said county, as to them, or the major part of them, shall seem most expedient, for the space of seven years next after the passing this Act; any thing in this Act to the contrary notwithstanding.

**A township granted.** SECT. 9. *And be it enacted by the authority aforesaid*, That there be, and hereby is granted a township of land of six miles square, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth in the county of *Washington*; said township to be vested in *The Trustees of Washington Academy*, and their successors forever, for the use and purpose of supporting the said Academy, to be by them holden in their corporate capacity, with full power and authority to settle, divide, and manage said township, or to sell, convey, and dispose of the same, in such way and manner as shall best promote the welfare of said Academy.

**Proviso.** SECT. 10. *Provided*, That said township shall be laid out under the direction of the Committee for the sale of eastern lands, and a plan thereof returned into the Secretary's office; and that such corporation shall proceed in that design; and that the said Trustees, their successors or assigns, shall and do, within five years, provide and settle upon and within such township, at least twenty families; and shall also reserve from all future dispositions to be made of said tract of land, three lots of three hundred and twenty acres each for the following uses, viz. One lot for the first settled minister, one lot for the use of the ministry, and one lot for the use and support of schools within the same town.

[This Act passed March 7, 1792.]

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An ACT to enable the Town of *Framingham* to regulate and order the taking of the Fish called *Shad* and *Alewives* within the Limits of said Town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the publication of this Act, it shall and may be lawful for the inhabitants of said town of *Framingham*,

*Framingham*, at their annual meeting in *March* or *April*, during the continuance of this Act, to determine and order in what manner and by whom the said fish called shad and alewives may be taken within the limits of said town: And the said inhabitants shall cause a copy of such order, attested by the Town-Clerk, to be posted up in some public place in said town; whereunto all persons shall conform, with respect to the taking said fish called shad and alewives within said town of *Framingham*, on penalty that each and every offender against the same shall forfeit and pay the sum of *twenty shillings*, to be sued for and recovered before any court proper to try the same; one moiety to the informer, and the other moiety to the poor of said town of *Framingham*.

Inhabitants to determine annually when and how fish may be taken.

Notification.

Penalty in case of offence.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the said town of *Framingham* not concerned in violating this Act shall and may be admitted as witnesses to testify in any action that may be brought for the above penalty; they being inhabitants of said town notwithstanding.

[This Act passed *March 8, 1792.*]

## An ACT to prevent the catching of Fish in the Mouth of *Agawam River*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of *April* next, no person or persons be allowed to catch any salmon, shad or alewives, with seines, nets, pots, or in any other way, in any part of said river within one mile of the mouth, or entrance thereof into *Connecticut River*. And if any person or persons shall presume to take or catch any fish in the said *Agawam River*, contrary to the true intent of this Act, each person so offending shall, for each offence, forfeit and pay a fine of *four pounds*.

Bounds for the catching fish.

SECT. 2. *And be it further enacted*, That all nets or seines used in taking fish as aforesaid, shall be, and hereby are forfeited to any person or persons who shall seize the same, to his or their own use.

Forfeitures.

SECT. 3. *And be it further enacted*, That all fines and forfeitures incurred by any breach of this Act, shall and may be sued for and recovered, by action of debt or information, before any Justice of the Peace within the County of *Hampshire*, one half of such fines shall enure to him or them who shall sue or prosecute for the same, and the other half to the poor of the town where the offence shall be committed.

May be sued and recovered.

[This Act passed *March 8, 1792.*]

An

June 10, 1791.

An ACT in addition to an Act, passed on the tenth Day of *June*, One thousand seven hundred and ninety-one, entitled, "An Act for establishing the Boundary Line between the Towns of *Brookfield* and *New Braintree* in the County of *Worcester*."

Preamble.

**W**HEREAS doubts have arisen relative to the dividing line in said Act mentioned, by reason whereof inconveniences may arise; for preventing the same:

Clause repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the second enacting clause in the said Act mentioned, be, and the same is hereby repealed.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the dividing line between the said towns of *Brookfield* and *New Braintree* shall hereafter run as followeth, viz. Beginning at the north-east corner of *Joseph Barnes's* original farm, which corner is a heap of stones by the southerly side of the road leading from *Joseph Barnes's* dwelling-house to *Francis Stone's* dwelling-house, and is the most northerly corner of a small tract of land which said *Barnes* purchased of said *Stone*; and from thence running north-easterly to the north-west corner of the land which *Samuel Harrington* purchased of *Joseph Thurston*, on the original north line of the town of *Brookfield*; and that all lands lying on the north-westerly side of said line, heretofore belonging to the town of *Brookfield*, be, and the same are hereby annexed to the town of *New Braintree*: And all the lands lying on the south-easterly side of said line, heretofore belonging to the town of *New Braintree*, be, and they hereby are annexed to the town of *Brookfield*.

[This Act passed March 8, 1792.]

Original Act  
repealed March  
19, 1793.

An ACT in addition to an Act, passed *February* the twenty-second, One thousand seven hundred and ninety, entitled, "An Act to prevent the Destruction of the Fish called Alewives in *Taunton Great River*, (so called) in the County of *Bristol*, and to regulate the catching of said Fish therein for the future."

Preamble.

**W**HEREAS the provision made in the said Act for preventing the destruction of the said fish, has been found insufficient for that purpose:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the publication of this Act, it shall



shall not be lawful for any person with scoop-nets, or any other instruments, nor at any other time or place than is allowed by said Act, to molest, hinder or take said fish, on the penalties made and provided in said Act. Prohibition, on penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the persons chosen by the towns on said river, to enforce said Act; to remove or cause to be removed all hindrances and obstructions in said river; and to prevent all unlawful catching of said fish as aforesaid, in their towns respectively, on the penalties made and provided in and by said Act. Duty of Committee.

[This Act passed *March 8, 1792.*]

An ACT for incorporating *Daniel Reed* and others, Proprietors of a certain Tract of Meadow Land, in the Town of *Abington*, known by the Name of the *Old Mill Pond Meadow*, into a Body Corporate by the Name of *The Proprietors of the Old Mill Pond Meadow*.

**W**HEREAS *Daniel Reed, Micah Hunt, Nathan Gurney, John Porter, Silas Gurney, Eliab Noyes, David Jenkins, jun. Luke Bicknell, Jacob Bicknell, Isaac Tirrell, Barnabas Reed, Seth Porter, Josiah Torry, Philip Prat, Jacob Reed, 3d, and John Hobart,* Proprietors of the aforesaid tract of meadow land, in the township of *Abington*, in the County of *Plymouth*, butted and bounded as follows, viz. East on the upland lots belonging to *John Gurney, Benoni Gurney, Noah Gurney, David Jenkins, jun. Silas Gurney,* and others; north on *Josiah Torry, Daniel Reed,* and *Isaac Tirrell*; west on upland lots belonging to *John Porter, Seth Porter,* and *Jacob Reed*; and south on *John Gurney*, together with a road, two rods in width from said meadow land, to the country road, (so called,) on the north side of lot numbered six, on the upland, and which fell to *William Reed* in the first division of said lots; have petitioned the General Court, that they, their heirs and assigns, may be incorporated into a body corporate, by the name of *The Proprietors of the Old Mill Pond Meadow in Abington*, for the purpose of better improving said meadow: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Daniel Reed* and others above named, Proprietors of the aforesaid meadow, they, their heirs and assigns, be, and hereby are, incorporated into a body corporate by the name of *The Proprietors of the Old Mill Pond Meadow in Abington*, for the purpose of a more advantageous improvement of said meadow. Proprietors incorporated.

SECT.

Empowered to  
levy a tax.

SECT. 2. *And be it enacted by the authority aforesaid,* That the said *Daniel Reed* and others, Proprietors of said meadow, their heirs and assigns, be, and they hereby are allowed and empowered to raise by assessment or tax, to be made and levied on all the Proprietors of the said meadow, lying within the bounds above described, according to the interest they severally have therein, such sum or sums of money as may be necessary from time to time for defraying the expenses of fencing said meadow, and for removing the obstructions from the rivers and brooks in the same; and for opening and keeping open such a number of ditches as shall, in the judgment of the major part of said Proprietors, be necessary in said meadow; said sums to be agreed upon by the major part of said Proprietors, their heirs or assigns that shall or may be present at any meeting legally warned for that purpose.

Meetings regu-  
lated as preferi-  
bed by a former  
law.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the meetings of said Proprietors shall be called and conducted in the same manner as those of Proprietors of common lands, prescribed by an Act passed the tenth day of *March*, in the year of our Lord One thousand seven hundred and eighty-four, relating to lands, wharves and other real estate, lying in common and undivided; and the said Proprietors are hereby authorized and empowered to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as Proprietors of common lands are empowered to choose officers at their legal meetings.

Proprietors  
empowered in  
case of delin-  
quency.

SECT. 4. *And be it further enacted,* That if any of the Proprietors of said meadow shall neglect or refuse to pay the sum or sums of money duly assessed upon him or them, for the space of six months after such money shall have been granted; or for the space of one month after his assessment shall have been shown to him, or a copy thereof be left at his usual place of abode, the said Proprietors for the purpose of collecting the money in such assessment, are hereby fully empowered from time to time, at public vendue, to sell and convey so much of said delinquent Proprietor's part or share in said meadow, as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent Proprietor as aforesaid, and all reasonable charges attending such sale, to any person that will give the most for the same; notice of such sale and of the time and place being first given, by posting up an advertisement thereof, in some public place in said *Abington*, six weeks before the sale thereof; and said Proprietors may by their Clerk or a Committee chosen for that purpose, make and execute a good and lawful deed or deeds of conveyance of the meadow so sold, unto the purchaser thereof, to hold in fee simple.

SECT.

SECT. 5. *Provided nevertheless,* That the Proprietor or Proprietors, whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum such part or share sold for, and charges, together with the further sum of *six pounds* more, for each *hundred pounds* produced by such sale, and so in proportion for a greater or less sum. Provifo.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the Proprietors aforesaid are hereby empowered to order and manage all affairs relative to improving said meadow, in such way and manner as shall be concluded and agreed upon by the major part of those who are therein interested and present at any legal meeting; the votes to be collected according to the interest of said Proprietors. Proprietors to be governed by the majority.

[This Act passed *March 8, 1792.*]

An ACT to incorporate *Henry Knox, Esq.* and others for the Purpose of opening a navigable Canal from some Part of *Connecticut River*, to communicate with the Town of *Boston*, by the Name of The Proprietors of the *Massachusetts Canal*.

WHEREAS the establishment of a navigable Canal through the interior parts of this Commonwealth to the capital, must promote the essential interests of this Commonwealth, by facilitating the means of transportation from one part of the Commonwealth to the other; and whereas the said *Henry Knox*, and others, have petitioned this Court to incorporate them with certain privileges for that purpose: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Henry Knox, John Coffin Jones, David Cobb, Benjamin Hitchborn, and Henry Jackson*, Esquires, with such other persons as have with them associated, and all those who may hereafter become Proprietors in the said Canal, be, and they hereby are constituted a Corporation and body politic, for the purpose aforesaid, by the name of The Proprietors of the *Massachusetts Canal*; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer: And the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure. Persons incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *Henry Knox, John Coffin Jones, David Cobb, Benjamin Hitchborn, and Henry Jackson*, Esquires, or any two of them, may by advertisement in two of the *Boston* newspapers, warn and call a meeting of the said Proprietors, to be holden at any Authorized to hold meetings.

any suitable time and place after thirty days from the first publication of the said advertisement : And the Proprietors, by a vote of the majority of those present or represented at the said meeting, (accounting and allowing one vote to a single share in all cases ; *provided however*, that no one Proprietor shall be allowed more than twenty votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office ; and the said Proprietors shall also agree on a method of calling future meetings ; and at the same, or any subsequent meetings, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid ; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding *four pounds* ; *provided* the said rules and by-laws are not repugnant to the constitution or laws of this Commonwealth. And all representations at any meetings of the said Corporation, shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk : And this Act, and all rules, by-laws, regulations and proceedings of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for this purpose.

To elect officers and make by-laws.

Empowered within a limited time to open a navigable canal.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Proprietors be, and they are hereby authorized and empowered, exclusively, within the term of fourteen years from the passing this Act, to open and establish a navigable Canal, from any part of *Connecticut River*, between the town of *Springfield* and the northern limits of this Commonwealth, or from any other part of said river, (provided they obtain permission from the State through which the same may pass) to communicate with the town of *Boston*, or the waters surrounding said town ; and also to open and establish any branch or branches from said Canal, to communicate with any other parts or places within this Commonwealth ; and for the purposes aforesaid to take, use, occupy and possess exclusively, in fee simple or otherwise, any land or water which may be necessary to complete said Canal, and the appendages thereof, they paying therefor in manner as is herein after directed ; *provided* the land so taken shall not exceed twenty-five feet in width on each side, and running the whole length of said Canal, for the purposes of building and repairing said Canal, for towing, paths, and other necessary uses ; unless the parties interested shall otherwise agree.

And whereas it may be necessary that said Proprietors make use of and appropriate the lands or other property of private persons :

SECT.

SECT. 4. *Be it further enacted by the authority aforesaid,* That when the said Proprietors and the owner or owners of such lands water, water-courses, streams, mills, mill-dams, or other property or estate which may be necessary for the purposes aforesaid, cannot agree upon the value of the same, nor mutually agree upon some suitable person or persons to appraise the same, the Justices of the Supreme Judicial Court are hereby authorized and empowered, at any session within the county where such land, water or other estate may lie, upon application of either party, to appoint three disinterested freeholders within such county, whose appraisement, under oath, made upon the same principles as private property is estimated when taken and appropriated for highways, being returned into said Court, and by them accepted, shall be final between the parties, and vest the estate so appraised in the Proprietors of said Canal; unless either party being dissatisfied with such appraisement shall, at the next session of said Court, to be holden in such county, after the acceptance of said appraisement, apply for a decision by a Jury; in which case, the said Court is hereby empowered to hear and finally determine the same, by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose; or by a new Committee, if both parties shall agree thereto: And if the Jury or Committee last mentioned, who are to be under oath, shall not return a verdict, or report more favourable to the party applying than that of the first Committee, the party applying shall pay the costs; otherwise, the party not applying shall pay the costs; in both cases, judgment shall be made up agreeable to the verdict of the Jury, or report of the Committee last mentioned, so far as respects damage, with or without a deduction of the costs therefrom, as the case shall require, and execution issue therefor: And the Proprietors of the said Corporation, in their individual capacity, shall be, and hereby are made liable to be taken in execution on such judgment, in the same manner as the inhabitants of any town in this Commonwealth are by law liable in certain cases: And the estate thus estimated shall vest in the Proprietors of the said Canal.

Referees appointed by S. J. Court in case of dispute between the parties.

Allowed on appeal to jury.

Judgment made by the verdict of the jury.

Proprietors may be taken in execution.

SECT. 5. *And be it further enacted,* That when the land or other property or estate belonging to infants, *femes covert*, or persons *non compos mentis*, shall be taken and appropriated for the use and purposes of said Canal as aforesaid, the husbands of such *femes covert*, and the guardians of such infants or persons *non compos mentis*, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands or other estate to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

Guardians of incapacitated persons authorized to act in their behalf.

SECT.

**SECT. 6.** *And be it further enacted by the authority aforesaid,*  
 Justices of S. J. That the Justices of the Supreme Judicial Court, upon the application of the Selectmen of any town, or the proprietors of any land through which said Canal may pass, be, and hereby are authorized and empowered, at any session within the county where such lands lie, to appoint three disinterested freeholders in such county, who shall, after hearing the parties on oath, determine what bridge or bridges shall be erected across said Canal for the accommodation of the public, where said Canal may pass through the highway, or for the accommodation of individuals, whose lands may be intersected by the said Canal; and also to determine upon the amount of damage which may be done to the land or estate of any person or persons by overflowing the same or otherwise: And in case such bridge or bridges shall not be erected within such time, or in such manner as shall be directed by such freeholders, provided their reports be accepted by said Court, the said Corporation may be sued and prosecuted by the public, or such person or persons as may be injured thereby.

**SECT. 7.** *And be it further enacted by the authority aforesaid,*  
 Shares may be transferred. That any Proprietor's share or shares in said Canal may be transferred by deed, acknowledged and recorded by the Clerk of said Corporation in a book to be kept for that purpose; and when any share or shares of said Canal shall be attached as the property of any of said Proprietors, on *mesne process*, an attested copy of such process shall be left with said Proprietors' Clerk, at the time of such attachment, otherwise the same shall be void.

**SECT. 8.** *And be it further enacted by the authority aforesaid,*  
 Toll established. —, rates of. That a toll be, and hereby is granted for the sole benefit of said Proprietors, according to the rates following, viz. For every ton in weight, or by measure in feet, not more than *six pence* per mile for each mile according to the course of the Canal, and in the same proportion for a larger quantity, and also for a smaller quantity not less than one quarter of a ton, exclusive of toll for passing the locks which may be in the said Canal, and which may be hereafter regulated and established by the General Court; and for every article less than one quarter of a ton, such toll as shall be established by the Proprietors aforesaid.

**SECT. 9.** *And be it further enacted by the authority aforesaid,*  
 To be the property of the Proprietors forever. That said Proprietors shall receive said toll, and possess and enjoy the emoluments of said Canal, together with the waters, streams and rivers which they shall make use of for the said Canal, so far as it shall be necessary for the same, forever: *Provided*, That the General Court shall at all times after the expiration of seventy years from the completion of said Canal, alter,

alter, regulate and determine the toll thereof; and the said Commonwealth shall be entitled to and receive one quarter part of the net proceeds thereof forever.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when and so often as the said proprietors shall have finished a proportion of said Canal, equal to ten miles in length, according to the course of said Canal, they shall be entitled to receive a toll thereon, in the manner and at the rates herein before provided.

Toll to commence when a certain part is completed.

SECT. 11. *Provided, and be it further enacted,* That from and after the expiration of five years from the time of passing this Act, if the corporation hereby created shall not have completed ten miles at least of the said Canal, the Legislature of this Commonwealth may, upon the application of any other company for the privileges hereby granted, incorporate such other company for the purpose of completing the said Canal.

Proviso.

[This Act passed March 10, 1792.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Charles' River*, from the westerly Part of *Boston* to *Cambridge*, and for extending the Interest of the Proprietors of *Charles' River* Bridge, for a term of Years.

Additional Acts, June 30. 1792, March 28, 1793, Feb. 27, 1796, Feb. 6, 1800. The two last Acts vary the appropriation of the sum payable annually to the University; and are published in the octavo edition of the General Laws. Additional Act, as to the draw, March 3, 1804.

**W**HEREAS the erecting a bridge over *Charles' River*, from the westerly part of *Boston*, near the Pest-House, (so called) to *Pelham's Island*, in the town of *Cambridge*, would be of great public utility, and *Francis Dana* and others, and *Oliver Wendell* and others, have respectively petitioned this Court for an Act of incorporation, to empower them to build said bridge, and many persons in expectation of such an Act, have subscribed to a fund for executing and completing the aforesaid purpose:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Honorable *Francis Dana*, the Honorable *Oliver Wendell*, the Honorable *James Sullivan*, *Henry Jackson*, Esquire, *Mungo Mackay*, and *William Wetmore*, Esquire, so long as they shall continue proprietors in said fund, together with all those who are, and those who shall become proprietors of said fund or stock, shall be a corporation and body politic, under the name of The Proprietors of the *West-Boston* Bridge; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things, which bodies politic may or ought to do

Proprietors incorporated.

do and suffer ; and that said corporation shall, and may have full power and authority, to make, have and use a common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *And be it further enacted,* That the said *Francis Dana, Oliver Wendell, James Sullivan, Henry Jackson, Mungo Mackay, and William Wetmore*, or any three of them, may by advertisement in any two of the *Boston* news-papers, warn or call a meeting of the said proprietors, to be holden at *Boston* afore said, at any suitable time after seven days from the publication of said advertisement ; and the said proprietors by a vote of a majority of those present or represented at said meeting (accounting and allowing a vote to each share, in all cases) shall choose a Clerk, who shall be sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings ; and at the same or any subsequent meeting, may make and establish any rules and regulations that shall be convenient or necessary for regulating the said corporation, effecting, completing and executing the purposes afore said, and for collecting the toll herein granted ; and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding *four pounds*.

Empowered to call a meeting.

To elect a clerk, and transact other matters.

SECT. 3. *Provided,* That said rules and regulations be not repugnant to the Constitution or laws of the Commonwealth : And the said Proprietors may also choose and appoint any other officer or officers of the corporation that they may deem necessary ; and all representations of the afore said proprietors at said meetings, shall be proved by a special appointment in writing, signed by the person making the representation, which shall be filed with or recorded by the Clerk ; and this Act, and all rules, regulations and votes of said corporation, shall be fairly and truly recorded by their said Clerk, in a book or books for that purpose, provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

SECT. 4. *And be it further enacted,* That for the purpose of reimbursing the said proprietors of the *West-Boston* bridge, the money expended and to be expended in building and supporting said bridge, and of indemnifying them for their risk, a toll be, and hereby is granted and established for the sole benefit of said corporation, according to the rates following, *viz.* For each foot passenger or one person passing, *two thirds of a penny* ; single horse-cart, sled or sleigh, *four pence* ; one person and horse, *two pence, two thirds of a penny* ; each wheelbarrow, hand-cart, and every other vehicle capable of carrying like weight, *one penny and one third of a penny* ; each single horse and chaise, chair or sulkey, *eight pence* ; coaches, chariots, phaetons and curricles, *one shilling* each ; all other wheel carriages

Toll established.

—, rates of.



carriages or sleds drawn by more than one horse, *six pence* each; sleighs drawn by more than one beast, *six pence* each; neat cattle or horses passing over said bridge, exclusive of those rode or in carriages or teams, *one penny and one third of a penny* each; swine and sheep *four pence* for each dozen, and at the same rate for a greater or less number; and in all cases the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not loaded; and to each team one man and no more shall be allowed as a driver to pass free from payment of toll; and at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence at the day of the first opening of the said bridge for passengers, and shall continue for Commencing and continuation of the toll.  
and during the term of forty years from the said day, and be collected as shall be prescribed by said corporation.

SECT. 5. *And be it further enacted,* That the said bridge shall be built of good and sufficient materials, not less than forty feet wide, and well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and the said bridge shall be kept accommodated with a number of lamps, according to the length of said bridge, in proportion to the number required to be erected on *Charles River* bridge, which shall be well supplied with oil, and lighted in due season, and kept burning until midnight; and there shall also be made a good and sufficient draw or passage-way, at least thirty feet wide, at some place in said bridge proper for the passing and repassing of vessels; through which vessels may pass free of toll; and also there shall be built and maintained in good repair, a well constructed and substantial pier on each side of said bridge, and adjoining the draw; and there shall also be erected at or near the centre of said bridge, a suitable and convenient watch-house, in or near which some proper person shall continue and reside from sun-setting to sun-rising through the year; and the said bridge shall be kept in good, safe and passable repair for the term of forty years, to be computed as aforesaid, and at the expiration of said term shall be surrendered in like repair to the Commonwealth; and at the several places where the said toll shall be received, there shall be erected by said Corporation, and exposed to open view constantly, a board or sign, with the rates of toll and of all the tollable articles fairly and legibly written thereon, in large or capital letters; and the draw shall be lifted without delay for all vessels without toll or pay, except for such as are so constructed that their masts may be struck, and those passing for pleasure; and said Corporation shall also lay out and make, or cause to be laid out and made, a good road from *Pelham's Island* aforesaid, in the most direct and practicable line, to the nearest part of the Cambridge road.

Commencing  
and continuation  
of the toll.

Dimensions  
and materials,

Lamps.

Draw.

Watch-house.

Sign-board erected.

Read to be laid out.

SECT.

SECT. 6. *And be it further enacted*, That after the said toll shall commence, the said Corporation shall pay annually to *Harvard College* or *University*, the sum of *three hundred pounds* during the said term of forty years, to be by said College appropriated for the purpose of defraying the expense of tuition to such indigent scholars as, in the judgment of the Corporation of said *University*, shall stand in need of the same; the residue, if any there be, for the purpose of reducing the expense of tuition to all the other scholars; and if the sum before mentioned shall be applied to any other purposes than the before mentioned, then, and in that case, it shall revert to and be paid into the treasury of the Commonwealth.

SECT. 7. *And be it further enacted*, That if the said Corporation shall refuse or neglect for the space of three years after the passing this Act, to build and complete the said bridge, then this Act shall be void and of no effect.

And whereas the erection of *Charles River Bridge* was a work of hazard and public utility, and another bridge in the place proposed for the *West-Boston Bridge* may diminish the emoluments of *Charles River Bridge*: Therefore, for the encouragement of enterprize,

SECT. 8. *Be it further enacted by the authority aforesaid*, That the proprietors of *Charles River Bridge* shall continue to be a corporation and body politic, for and during the term of seventy years, to be computed from the day that said *Charles River Bridge* was completed and opened for passengers, subject to all the conditions and regulations prescribed in an Act entitled, "An Act for incorporating certain persons for the purpose of building a bridge over *Charles River*, between *Boston* and *Charlestown*, and supporting the same during the term of forty years;" and during the aforesaid term of seventy years, the said proprietors of *Charles River Bridge* shall and may continue to collect and receive all the toll granted by the aforesaid Act for their use and benefit. *Provided however*, they also continue to pay annually to said *Harvard College* the sum of *two hundred pounds*, and to observe the aforesaid regulations and conditions; and at the expiration of said term of seventy years, said *Charles River Bridge* shall revert to and be the property of the Commonwealth, and shall be surrendered in good repair.

SECT. 9. *And it is further enacted*, That in consideration of the privileges in this Act granted to the proprietors of *Charles River Bridge*, the said proprietors shall relinquish the additional toll on the Lord's day, from and after the passing this Act.

[This Act passed *March 9, 1792.*]

An

An ACT regulating the taking of the Fish called Alewives, in the several Streams emptying into *Merrimack River*, in the Town of *Andover*. Additional Act,  
March 11,  
1797.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the inhabitants of said town of *Andover*, from time to time, at their annual meeting in the month of *March* or *April*, to determine and order, by whom, and in what place or places, the said fish may be taken, in the several streams emptying into *Merrimack River*, within the town aforesaid; and shall cause a copy of such order attested by the town-clerk of said town, to be posted up in some public place in said town, and in the town of *Methuen*; and any person who shall violate such order, upon conviction thereof, shall forfeit and pay a sum not exceeding *twenty shillings*, nor less than *ten shillings*; Inhabitants to regulate the catching fish. *provided* the quantity so taken is less than one barrel; but for every barrel so taken, they shall forfeit and pay the sum of *forty shillings*, to be recovered before any Justice of the Peace in the county of *Essex*, before whom the complaint shall be made, one moiety to the informer, the other moiety to the poor of said town. Penalty. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the times and manner prescribed for taking fish in an Act passed 4th *March*, 1790, entitled "An Act to regulate the catching of salmon, shad and alewives, and to prevent obstructions in *Merrimack River*, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that purpose," shall be observed as the times and manner for taking said fish in the said streams in the town of *Andover*; and if any person shall take any of said fish at any other time or in any other manner than is prescribed in the Act last recited, he shall for each offence be subject to such penalty as is provided in the said Act for the same offence, to be recovered and appropriated in the same manner as is therein directed. The time and manner of catching fish to be regulated by a former Act. Penalty.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any of the inhabitants of said town of *Andover* not concerned in violating this Act, may be admitted as witnesses in any action that may be brought for the penalty aforesaid, they being inhabitants of said town notwithstanding. Witnesses admitted.

SECT. 4. *And be it further enacted,* That the inhabitants of said town, at their annual meeting in the month of *March* or *April*, shall be, and hereby are empowered to choose a Committee or Committees, being freeholders in said town; and each person so chosen shall be sworn faithfully to discharge the Committee chosen and sworn.

— empowered.

the duties required of them by said town, agreeable to this Act; and the Committee or Committees, or the major part of them, are hereby authorized and empowered to open such sluice or passage-way, through or round any dams erected, or that shall be erected across said streams, as they shall judge necessary for the free passage of said fish, and to remove lumber and every other obstruction to the free passage of said fish; to erect racks or wooden frames as they shall judge necessary in the stream or streams through which the said fish pass; they being restricted in such opening and clearing to do the same as little to the damage of the owner or owners as may be; such passage so opened by the Committee aforesaid shall continue open, if they judge it necessary, from the tenth day of *April* to the last day of *May*, annually: And if any person or persons shall unlawfully obstruct the passage or passages for said fish, remove or injure any rack or racks that shall be erected by said Committee on said streams, such person or persons so offending, upon conviction thereof, shall forfeit and pay a sum not exceeding *thirty pounds* nor less than *ten pounds*, to be recovered in any Court proper to try the same, one moiety to the informer, and the other moiety to the poor of said town.

Penalty.

— further empowered.

SECT. 5. *And be it further enacted*, That the said Committee or Committees be, and hereby are authorized and directed to distribute the fish that may be taken by them, or any person under them, as equally as circumstances will admit, to such persons as apply for the same; and for the fish so supplied, the Committee or Committees shall demand a sum not exceeding *one fifth of a dollar* for each hundred of fish so delivered, excepting of certain poor persons of said town of *Andover*, who, in the opinion of the Selectmen of said town, are unable to pay for the same, and such persons shall be supplied gratis with such quantities as the Committee or Committees shall judge expedient: And the said Committee or Committees so appointed shall, on the first town-meeting after the month of *May* annually, exhibit an account of all the fish by them disposed of, and the balance, if any remains after paying them a reasonable compensation for their services, shall be paid into the treasury of said town, for the benefit thereof.

Not to be considered as trespassers.

SECT. 6. *And be it further enacted*, That it shall and may be lawful for any of said Committee or their assistants, while in the execution of their office, to go upon the land adjoining to said streams without being considered as trespassers; and any person or persons that shall attempt to molest or hinder said Committee, or either of them, in the execution of their office shall forfeit and pay a sum not exceeding *four pounds* nor less than *three pounds*, to be recovered in any Court proper to try the same, to be disposed of as is provided for in other breaches of this Act.

Penalty.

SECT.

SECT. 7. *And be it further enacted*, That if any person is found attempting to take any of said fish at any time or place otherwise than is provided in this Act, or if any of said fish shall be found in the possession of any person, such person or persons shall be deemed to have taken them unlawfully, and shall be subject to the penalty of this Act, unless he or they shall make it appear upon trial that they came lawfully by said fish.

Persons unlawfully taking fish subject to penalty.

[This Act passed *March 9, 1792.*]

An ACT to repeal an Act, entitled, “An Act to invest the Committee of the second Precinct in *Rehoboth*, with corporate Powers, for certain Purposes therein mentioned,” and to incorporate a Number of the Inhabitants of said Precinct, by the Name of the Catholic Congregational Church and Society, in the second Precinct in the Town of *Rehoboth*.

**W**HEREAS it appears to this Court, that the Congregational Church and Society, within the said precinct, whereof the Rev. *Robert Rogerson*, is the present Minister, have built a meeting-house at their own expense, and are in possession of considerable real estate, generously given by *Ephraim Hunt*, deceased, for the purpose of supporting the congregational ministry, in said church and Society: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Act, entitled, “An Act to invest the Committee of the second precinct in *Rehoboth*, with corporate powers for certain purposes, therein mentioned,” passed in the year of our Lord one Thousand seven Hundred and Sixty one, be, and it is hereby repealed.

Act repealed.

SECT. 2. *And be it further enacted*, That the Rev. *Robert Rogerson*, *Josbua Smith*, *John Brown*, *Ephraim Blifs*, *Seth Knap*, *Samuel Bullock*, *Abiah Blifs*, *Thomas Carpenter*, 2d. *Jonathan Blifs*, *Abdiel Blifs*, *Nathan Blifs*, *Peter Reed*, *Samuel Blifs*, *David Cushing*, *Uriel Bowen*, *Peter Blifs*, *Ezekiel Reed*, *Ezra Perry*, *Elisba Allen*, *Joseph Kent*, *Daniel Martin*, *Christopher Carpenter*, *Joseph Wheaton*, *William Bullock*, *Ephraim Blifs*, jun. *Samuel Carpenter*, *Abiah Carpenter*, *Thomas Carpenter*, 4th. *Joseph Wheaton*, 2d. *Philip Walker*, *Jacob Cushing*, *Ezekiel Kent*, *Ephraim Turner*, *Samuel Reed*, *Josbua Reed*, *Abel Perry*, *Samuel Blifs*, 2d. *Oliver Blifs*, *Thomas Smith*, *Abel Carpenter*, 2d. *David Blifs*, *Amos Lane*, *Aaron Fuller*, *Isaac Fowler*, *Thomas Carpenter*, 3d. *James Blifs*, *Josbua Smith*, jun. *Abdiel Blifs*, jun. *David Blifs*, 2d. *Isaiab Allen*, *Abel Blifs*, *James Carpenter*,

Persons incorporated.

*penter, 2d. Robert Follet, Lewis Ormsbe, Abiah Blifs, jun. Ezra Perry, jun. Timothy Perry, Isaac Burr, Nathan Munroe, Jonathan Blifs, jun. James Blifs, 2d. Simeon Blifs, Joseph Smith, Ebenezer Fuller, Nathaniel Fuller, Josiah Cushing, Joshua Blifs, 2d. Obadiab Blifs, John Adams, Joseph Willmarth, Christopher Blanding, Daniel Willmarth, David Newman, Samuel Newman, Kent Bullock, Nathaniel Pierce, Eleazer Bullock, Samuel Smith, 2d. Wilks Walker, John Rogerson, Ebenezer Short, Nathan Smith, Thomas Lincoln, Stephen Carpenter, Robert King, Joshua Carpenter, Nathaniel Blifs, and William Blifs, and all such other inhabitants of said precinct, as shall hereafter, by a major vote of said society, be admitted as members of said society, at a regular meeting of the qualified voters, called for that purpose, be, and they hereby are incorporated into a distinct religious society, by the name of The Catholic Congregational Church and Society, in the second precinct, in the town of Rehoboth, and hereby are invested with all the powers, privileges and immunities, that precincts and parishes within this Commonwealth, do, or may by law enjoy; and the Clerk of said society, shall from time to time, record the names of all persons who shall become members thereof, in a book to be kept for that purpose; and when any member of that society shall request a dismission therefrom, and signify the same in writing to the said Clerk, he shall make a record thereof, and such person shall no longer be considered as a member of said society.*

Trustees ap-  
pointed.  
— empowered.  
Proviso.

SECT. 3. *And be it further enacted, That Thomas Carpenter, 2d. Samuel Bullock, Jonathan Blifs, Jacob Cushing, and Thomas Carpenter, 3d. the present Trustees of the said precinct, and such as may be hereafter annually chosen by said society, as Trustees, shall be, and they hereby are empowered, by the name of The Trustees of the Catholic Congregational Church and Society, in the second Precinct in Rehoboth, to receive all the donations and subscriptions, both real and personal, now in the hands of the Trustees of said precinct; and also such other grants, appropriations and donations, real or personal, as have been, or shall hereafter be made for the purposes aforesaid: Provided, That the annual income of the whole, shall never exceed one hundred and fifty pounds; and the said Trustees shall apply the rents, issues and profits, or so much thereof, as the society shall find necessary for the support of a pious, learned, congregational Minister, settled in the work of the ministry in said society.*

SECT. 4. *Provided nevertheless, That if it shall hereafter so happen, that there shall be no such Minister settled in the said society, then in every such case, the income arising in such vacation, shall be used and improved to supply said society with a religious preacher; and if there shall be at any time a surplusage*

age for the purposes aforesaid, all such surplus shall be, and hereby is appropriated, and shall be used and improved by the said Society, for building or repairing their meeting-house, or towards the support of a school, for the benefit of the Society, as they shall direct.

SECT. 5. *And be it further enacted,* That all bonds, mortgages and other lawful securities, duly made and executed to the present Trustees of said precinct, or their predecessors in that office, shall be considered as good and valid, to all intents and purposes, and may be sued for and recovered, for the use of said Society, by the Trustees thereof, or their successors in said office, in the same manner as the said bonds, mortgages and other securities, might have been sued for and recovered by the said Trustees of the said precinct, if this Act had not passed; and the Trustees of said Society, and their successors, by their name aforesaid, may sue and be sued, and are hereby fully authorized by themselves, or by their agents or attorneys, to appear, plead and defend, in any action or suit, brought by or against them in their said capacity, and the same may prosecute to final judgment and execution, in any court proper to try the same. —, their power.

SECT. 6. *And be it further enacted,* That the said Society, at their annual meeting in *March* or *April*, are hereby fully authorized to choose five Trustees for the year ensuing, and until others are duly chosen and qualified in their stead; and the Trustees of said Society and their successors, shall at all times be accountable to said Society, and may be by them, for any misdemeanor or failure in their trust, removed from their office; and in case of death, resignation or removal of any one or more of them, it shall be lawful for said Society to appoint others in their room, and the Trustees of said Society may at any time call a meeting for that purpose. Society to choose Trustees annually. Trustees to be accountable and removable.

SECT. 7. *And be it further enacted,* That the Trustees of said Society, and their successors in office be, and hereby are empowered and directed to call a meeting of said Society, some time in the month of *March* or *April* annually, to choose Trustees, a Treasurer and Clerk, and to transact such other matters as shall be for the benefit and well being of the said Society; which meeting shall be called by warrant from the major part of the Trustees for the time being, directed to the Clerk of the said Society, containing all the particulars to be acted upon at said meeting; and the said Clerk shall notify the same, by posting up a notification thereof at the meeting-house where said Society usually meet for public worship, at least ten days before the time appointed for holding said meeting. — to call meetings.

SECT. 8. *And be it further enacted,* That if the Trustees of said Society shall at any time neglect or refuse to call a meeting of

Justice empowered in case.

of the said Society, when thereunto requested in writing, by five or more members of the said Society, in that case, upon the request of five or more members of the said Society, made in writing, to any Justice of the Peace for the county of *Bristol*, such Justice is hereby empowered to issue his warrant, directed to some principal member of said Society, directing him to notify a meeting as is before directed, to act on the particulars mentioned in said request.

[This Act passed June 19, 1792.]

Feb. 24, 1792.

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Essex*, and for supporting the same."

Preamble.

WHEREAS the Directors of *Essex Merrimack Bridge* have petitioned this Court, setting forth, that in the execution of the said undertaking, sundry inconveniences have arisen to them from the particular restrictions of the said Act, respecting the form of the said bridge, and praying the interposition of this Court for the removal of the same :

Directors empowered with conditional alterations.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in the building and completing of the said bridge, any alterations from the limitations and restrictions of the said Act, so far as the same respect that part of the said bridge which lies between *Deer Island* and *Salisbury*, be, and hereby are authorized and allowed ; any thing in the said Act to the contrary notwithstanding.

Proviso.

SECT. 2. *Provided nevertheless,* That there shall be one arch, at least one hundred and ten feet wide, and a convenient draw for the passing of vessels, at least forty feet wide ; and *provided also,* that there shall not be in the whole, less vacancy for the passage of the water, than in and by the said Act is required.

Dimensions of the arch.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the crown of the arch to be erected between *Newbury* and *Deer Island* may be not less than thirty-six feet high, and that each of the abutments thereof may be not less than twenty-four feet and an half high, above common high water mark ; and that braces or shores may be placed from the abutments of the said arch, at four feet and an half from common high water mark, to pass up to the said arch, at not more than forty-eight feet distance, from the top of the said abutments ; any thing in the said Act to the contrary notwithstanding.

[This Act passed June 22, 1792.]

An



An ACT to incorporate certain Persons by the Name of the Congregational Society in the first Precinct in the Town of *Rehoboth*, in the County of *Bristol*, whereof the Rev. *John Ellis* is the present Pastor ; and for repealing an Act made and passed in the Year of our Lord One thousand seven hundred and sixty-two, entitled, “ An Act to invest the Committee of the first Precinct in *Rehoboth* with corporate Powers for certain Purposes therein mentioned.”

**W**HEREAS in and by said Act the said precinct in their corporate capacity are authorized annually to appoint a Committee who shall be a body corporate, by the name of the Trustees of the first precinct in *Rehoboth*, with power and authority to receive the sum of *six hundred pounds*, and the same to manage and conduct until the same with other additional funds, shall amount to the sum of *twelve hundred pounds* ; and the interest of said fund to appropriate and pay to the minister of the Congregational church, residing and officiating in the work of the ministry within the said precinct forever : And whereas from a change in the religious sentiments and professions of the inhabitants of said precinct, those who constitute said church and are adherents to the Congregational order or denomination of Christians are become the minority of the inhabitants of said precinct, by means whereof the fitness and propriety of said precinct's appointing said Committee or Trustees ceases ; and the persons hereafter named, being the church aforesaid, and principal part of said Congregational order or denomination of Christians, having petitioned this Court to be incorporated for the purpose of managing and conducting the funds and estate of every description, holden for or belonging to the said Congregational Society, or appropriated to the support of a minister of the Congregational church, residing and officiating in the work of the ministry within the said precinct :

Preamble.

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the afore-recited Act, and every clause and part thereof, be, and hereby is repealed.*

SECT. 2. *And be it further enacted, That John Hunt, Nathaniel Titus, Nathan Read, Ebenezer Carpenter, John Lindley, James Lee, Ebenezer Bishop, Jesse Perin, Moses Walker, Elijah Kent, Oliver Read, Richard Whitaker, Nathaniel Brown, Nathaniel Read, Jonathan Robinson, Elisha Carpenter, Asabel Carpenter, Daniel Carpenter, James Mason, David Perin, Ephraim Stark-weather,*

Persons incorporated.

*weather, Ephraim Walker, James French, John French, Nathaniel Chaffee, Benajah Sheldon, Samuel Brown, Jonathan Carpenter, John Shorey, Jacob Shorey, Simeon Read, Eliphalet Slack, Samuel Smith, Abiel Read, David Cooper, Simeon Goffe, Remember Kent, David Kennedy, Comfort Bishop, John Comer, Lewis Walker, George Allen, Nathan Read, jun. Peter Hunt, Nathaniel Hunt, Josiah Hunt, Daniel Perin, Thomas Perin, Noah Perin, Oliver Starkweather, Samuel Dixon, Samuel Stephens, Stephen Russell, James French, jun. Ebenezer French, Nathan Daggett, Abel Shorey, Abel Shorey, 2d. David Robinson, Peter Whitaker, Amos Whitaker, Jonathan Brown, Daniel Chaffee, Moses Walker, jun. David Newman, Samuel Brown, jun. Josiah Brown, Ephraim Carpenter, Otis Walker, Noah Robinson, and Edward Ide, and all such other inhabitants of the said first precinct in Rehoboth as may, by a major vote of the Society hereby constituted, be admitted to the benefits thereof, at a regular meeting of the qualified voters, called for that purpose, be, and they hereby are incorporated into a distinct religious Society, by the name of the Congregational Society in the first precinct in the town of Rehoboth, and are hereby invested with all the powers, privileges and immunities, that precincts or parishes within this Commonwealth do or may enjoy ; and the Clerk of said Society shall, from time to time, record the names of all persons who shall become members thereof, in a book to be kept for that purpose : And when any member of said Society shall request a dismission therefrom, and signify the same in writing to the said Clerk, he shall make a record thereof, and such person shall no longer be considered as a member of said Society.*

Trustees ap-  
pointed and em-  
powered.

SECT. 3. *And be it further enacted, That John Hunt, Nathaniel Titus, Elijah Kent, Asabel Carpenter, and Eliphalet Slack, and such others as may be hereafter annually chosen by said Society as Trustees, shall be, and they are hereby empowered, by the name of the Trustees of the Congregational Society in the first precinct in Rehoboth, to take, hold, receive and manage, all the estate and rights of property of every kind, both real and personal, which now do, or hereafter may appertain and belong to the Congregational Society, or are legally appropriated to the use and support of a Congregational Minister in the first precinct in Rehoboth, and also such other grants, appropriations and donations, real or personal, as have been, or shall hereafter be made for the purposes aforesaid : Provided, That the annual income of the whole shall never exceed one hundred and fifty pounds ; and the said Trustees shall apply the rents, issues and profits, or so much thereof as the said Society shall find necessary for the support of a pious, learned, orthodox Congregational minister, residing and officiating in the work of the ministry, in said Society.*

SECT.

SECT. 4. *Provided nevertheless,* That if it shall hereafter Proviso. so happen that there shall be no such minister settled in the said Society, then, and in every such case, the income arising in such vacation shall be used and improved to supply said Society with a religious preacher; and if there shall be at any time a surpluse for the purpose aforesaid, all such surpluse shall be hereby appropriated, and shall be used and improved by the said Society for building or repairing their meeting-house, or for the support of a school for the benefit of the said Society, as they shall direct.

SECT. 5. *And be it further enacted,* That the said Trustees, in their aforesaid capacity, are hereby fully authorized and — their power. empowered to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and be defended against, in all courts and places, and before all proper Judges whatsoever, in all and singular suit and suits, causes and actions of what kind soever: And if it shall so happen, that the said Society shall become seised of lands or tenements, by mortgage, as security for payment of any debt or debts, or by levying execution on lands or tenements, for discharging any debt or debts that shall be due to the said Society, it shall be lawful for the Trustees aforesaid to sell and convey the lands and tenements acquired by either of the two ways last mentioned.

SECT. 6. *And be it further enacted,* That the said Congregational Society, at their annual meeting, in the month of *March* or *April*, are hereby fully authorized to choose five Trustees for the year ensuing, and to continue in office until others are duly chosen and qualified to act in their stead: And the said Trustees and their successors shall at all times be accountable to said Society, and may be by them, for any misdemeanor or failure in their trust, removed from their office; and in cases of death, resignation or removal of any one or more of them, it shall be lawful for said Society to appoint others in their room; and the Trustees of said Society may at any time call a meeting for that purpose. Society to choose Trustees annually. Trustees to be accountable & removable.

SECT. 7. *And be it further enacted,* That the Trustees of the said Congregational Society, and their successors in office, be, and they are hereby empowered and directed to call a — to call meetings. meeting of said Congregational Society, some time in the months of *March* or *April* annually, to choose Trustees, Treasurer and Clerk, and to transact such other matters as shall be for the benefit and well being of the said Society, which meeting shall be called by warrant from the major part of the Trustees for the time being, directed to the Clerk of the said Society, containing all the particulars to be acted upon at said meeting; and the said Clerk shall notify the same by

by posting up a notification thereof at the meeting-house where the said Society usually meet for public worship, at least ten days before the time appointed for holding said meeting.

SECT. 8. *Be it further enacted*, That if the Trustees of said Society shall, at any time, neglect or refuse to call a meeting of said Society, when thereunto requested in writing by five or more of said Society, then and in that case, upon the request of five or more members of said society, made in writing, to any Justice of the Peace for the county of *Bristol*, such Justice is hereby empowered to issue his warrant, directed to some principal member of said Society, directing him to notify a meeting as is before directed, to act upon such particular articles as are mentioned in said warrant.

[This Act passed June 23, 1792.]

An ACT for incorporating a Number of the Inhabitants of the Town of *New-Bedford*, in the County of *Bristol*, into a separate Parish.

Preamble.

WHEREAS a number of the inhabitants of the southerly part of *New-Bedford* have petitioned this Court to be incorporated into a separate precinct, by the name of the *Second Precinct* in *New-Bedford*; and it appearing to this Court reasonable, that the prayer of said petition be granted:

Parish in New-Bedford incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the southerly part of the precinct of *New-Bedford*, beginning at the north-west corner bound of the homestead farm of *Thomas Nye*, late deceased; thence running in the north line of said farm, to the east end thereof; thence on the same course to *Rockefeller* line; thence southerly in said line, till it comes to the waters of *Buzzard's Bay*; thence easterly and northerly, by the waters of said bay, and the easterly side of the harbour of *New-Bedford*, to the bound first mentioned, including all the lands with the inhabitants living thereon, and their estates within the town of *New-Bedford*, south of the first mentioned line, together with *Jeremiah Mayhew*, *William Clagborn*, and *John Gerish*, living on the west-erly side of said harbour, with their families and estates, be and they hereby are incorporated into a separate parish, by the name of the *Second Precinct* in *New-Bedford*, with all the powers, privileges and immunities which other precincts in this Commonwealth are entitled to by law.

Limited time for remaining in the first parish,

SECT. 2. *Be it enacted by the authority aforesaid*, That any of the inhabitants, within the said second precinct, who shall lodge their names with the precinct Clerk of the first parish in said town, within two months from the passing this Act, expressing their desire to remain and belong to the first parish, shall have liberty to belong thereto.

SECT.

SECT. 3. *Be it further enacted by the authority aforesaid, That Lemuel Williams, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal inhabitant within the second precinct aforesaid, requiring him to warn the inhabitants of said second precinct, qualified by law to vote in precinct meetings, to assemble at some suitable time and place in said town, to choose such officers as precincts are by law empowered to choose in the month of March or April annually, and to transact all matters and things necessary and lawful to be done in the said precinct.*

Lemuel Williams, Esq. to issue warrants.

[This Act passed June 23, 1792.]

An ACT in addition to the several Acts now in force which respect the carting and transporting Gun-Powder through the Streets of the Town of Boston, and the Storage thereof in the same Town.

Further provision by Act, June 19, 1801. Additional Act, March 7, 1804.

**W**HEREAS the provisions in the said Acts made have been found insufficient to prevent the carting and transporting gun-powder through the streets of the said town in a dangerous and alarming mode :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of August next, no gun-powder shall be carried or transported to or from the magazine within the said town, or through any of the streets thereof, in any quantity exceeding twenty-five pounds, being the quantity allowed by law to be kept in shops for sale, unless the same be carried and transported in a waggon or carriage closely covered with leather or canvas, and without iron on any part thereof, to be first approbated by the firewards of said town, and marked in capitals with the words APPROVED POWDER CARRIAGE, under the penalty of forfeiting all such gun-powder, one moiety thereof to the use of the poor of the said town, and the other moiety to the use of him or them who shall inform and sue for the same.*

Method of carting gun-powder.

Penalty.

SECT. 2. *And be it further enacted by the authority aforesaid, That all gun-powder which shall be imported into the said town of Boston from and after the said first day of August, shall be landed at such place or places only, and be carried to the magazine aforesaid by such passage by land or water only, as shall be directed and pointed out by the firewards of the said town, under the penalty of forfeiting to the uses aforesaid, all such powder as shall be landed or conveyed otherwise than is in this Act provided ; the penalties and forfeitures aforesaid to be sued for and recovered by bill, plaint or information, in any court proper to try the same : And the firewards aforesaid*

Place of landing.

Method of recovery.

are

Firewards to are hereby directed, from time to time, to publish their regulations and orders respecting the same in three of the public newspapers in the said town, six weeks successively: *Provided* neverthelefs, That nothing in this Act shall be construed to extend or operate as a prohibition to the transporting of powder from and out of the magazine in the town of *Boston*, into any part of this Commonwealth, or from the powder-mills in the country to the magazine aforesaid, in such carts or carriages as hath been customary, and heretofore used.

[This Act passed *June 26, 1792.*]

An ACT for setting off *Elisba Richardson* and *Moses Fisber* from the West Precinct in *Medway*, to the Town of *Franklin*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Elisba Richardson* and *Moses Fisber*, with their families, and that part of their estates, that is now lying in said west precinct in *Medway*, be, and hereby are set off from the west precinct in *Medway*, and annexed to the town of *Franklin*, there to do ministerial and precinct duty, and to receive ministerial privileges.

SECT. 2. *Provided* neverthelefs, That said *Elisba Richardson* and *Moses Fisber* shall pay to the west precinct in *Medway*, all the taxes now lawfully assessed on them, in the same manner they would have been holden to pay the same had not this Act passed.

[This Act passed *June 27, 1792.*]

An ACT securing the free Passage of the Fish called Alewives, in the Rivers in the Town of *Dartmouth*, in the County of *Bristol*, and for the Preservation of the same.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the owner or owners of each and every mill-dam on the river *Passequamanset*, (so called) and other rivers situate in the town aforesaid, shall make, provide and continue a sluice-way of three feet wide, and eight inches deep, for the said fish to pass their respective dams, as far as the Selectmen of the said town shall judge convenient and proper for the said fish to pass in; and the Selectmen of the said town of *Dartmouth*, are hereby authorized and empowered, on the second Monday of *April* annually, to open the said sluice-ways, which, when opened by them, shall remain open, until the tenth day of

of *May*, annually ; and the owner or owners, proprietor or proprietors of any dam or dams on the said respective rivers, who shall neglect or refuse to make, provide and continue a sluice-way as aforesaid, or that after such sluice-way is opened as aforesaid, shall shut or obstruct, or cause the same to be shut or obstructed, during the term the said sluice-way is to be kept open as aforesaid, shall forfeit and pay the sum of *forty pounds* for each offence.

SECT. 2. *And be it further enacted*, That the said town of *Dartmouth*, at their annual meeting for the choice of town officers, in the month of *March* or *April* annually, are hereby authorized and empowered to choose a Committee, consisting of not more than twelve, nor less than two suitable persons, for Inspectors of the said river, whose duty it shall be, within four days after their appointment, to put up in four public places, nearest the said river, a notification or notifications under their hands, or under the hands of the major part of them, pointing out the time when, and designating the places where, the said fish may be taken in the said river ; and if any person or persons shall pull down, mar or deface such notification or notifications, he or she shall for each offence forfeit and pay *ten shillings* ; and if such Committee shall neglect or refuse to put up such notification or notifications, within the said term of four days, such Committee shall forfeit and pay *ten shillings*. And any person who shall presume to take any of the said fish in the said rivers, except at the times and places pointed out and designated by the said Committee as aforesaid, shall forfeit and pay *three pounds* for each offence.

Inspectors appointed. —, their duty. Forfeiture.

SECT. 3. *And be it further enacted*, That if any person or persons shall make any wear or wears, or any other obstruction to hinder the passage of the said fish up the said rivers, each person so offending, shall forfeit and pay the sum of *five pounds* ; and any person who shall take or catch any of the said fish in the said rivers, with any other instrument than a dip-net, shall forfeit and pay *four pounds* for each offence.

Obstruction to the passage forbidden.

SECT. 4. *And be it further enacted*, That if any person or persons shall set or draw any seine, drag-net or marsh-net in the said rivers, from and after the tenth day of *April*, to the twentieth day of *May*, annually, each person so offending shall forfeit and pay *ten pounds*.

Catching fish forbid in a certain time.

SECT. 5. *And be it further enacted*, That if any person or persons shall set or draw any seine, drag-net or marsh-net in the said rivers or ponds, belonging to the said town of *Dartmouth*, for the taking any fish, (manhaden excepted) at any time whatsoever, he or they so offending shall forfeit and pay the sum of *twenty pounds*.

Taking any fish at any time forbidden, excepting.

SECT. 6. *And be it further enacted*, That all the forfeitures incurred by this Act, shall accrue to the said town of *Dartmouth*, to

Forfeitures, to be recovered by the Treasurer of the said town, in an action  
 how recover- of debt, in any Court proper to try the same; and no person  
 ble. shall be considered as disqualified from giving evidence in any  
 such action, on account of his living in, or being an inhabitant  
 of the said town of *Dartmouth*.

[This Act passed *June 27, 1792.*]

An ACT incorporating *Joseph Storer*, and others, for  
 the Purpose of making a better Harbour in *Mousom*  
*River*, in *Wells*.

Preamble.

WHEREAS it appears to this Court, from the represen-  
 tation of *Joseph Storer*, and others, that *Mousom River*  
 in *Wells*, in the county of *York*, is not at present navigable by  
 vessels of more than ten tons, that the landing place at the head  
 of the tide, on that river, is conveniently situated with respect  
 to the back country, and that considerable advantages would re-  
 sult from making that river navigable for vessels of greater  
 burthen: And whereas the said *Joseph* and others have peti-  
 tioned this Court, to be incorporated for the purpose of mak-  
 ing a convenient harbour in said river:

Persons incor-  
 porated.

SECT. 1. *Be it therefore enacted by the Senate and House of*  
*Representatives, in General Court assembled, and by the authority of*  
*the same, That Messrs. Joseph Storer, Clement Storer, Benjamin*  
*Brown, Esq. Major William Jefferds, John Low, Esq. Messrs.*  
*James Kimball, Richard Gill Patrick, Joseph Barnard, John*  
*Low, jun. Nathaniel Conant, Henry Hart, John Butland, Na-*  
*thaniel Spinney, Jesse Larrabee, and Michael Wise, with their as-*  
*sociates and successors, with all others who may hereafter be-*  
*come Proprietors in the funds which may be raised for the pur-*  
*pose aforesaid, so long as they shall continue Proprietors in such*  
*funds, shall be a corporation and body politic, under the name*  
*of the Proprietors of Mousom Harbour in Wells; and by that*  
*name may sue and prosecute, and be sued and prosecuted to*  
*final judgment and execution, and do and suffer all other acts*  
*and things which bodies politic may or ought to do and suffer;*  
*and that said corporation shall and may have full power and au-*  
*thority to make, have and use a common seal, and the same to*  
*break, alter and renew at pleasure.*

Power and sub-  
 jection.

Proprietors au-  
 thorized to call  
 a meeting.

SECT. 2. *And be it further enacted by the authority aforesaid,*  
*That the said Proprietors, or any three of them, by advertise-*  
*ment in the papers printed at Portland, may warn or call a*  
*meeting of said Proprietors, to be held at Wells aforesaid, at any*  
*suitable time after fourteen days from the publication of said ad-*  
*vertisement, to agree on such method as may be thought proper*  
*for calling meetings of said Proprietors for the future, and to*  
*do and transact such matters and things relating to said propriety,*

as



as shall be expressed in said advertisement; and the said Proprietors are hereby empowered, at any legal meeting duly warned for the purpose, to choose a Clerk, Treasurer, and such other officer or officers, as may be necessary for managing the business of said corporation; and every Proprietor shall have a right to vote in the proprietary meeting, according to his share and interest in the funds aforesaid.

Whereas in the prosecution of the business aforesaid, it may be necessary to stop the present course of said river, by building a dam across the same, and digging a canal from said river to the sea:

— to choose officers.

Preamble.

SECT. 3. *Be it enacted*, That the said Proprietors be, and they are hereby authorized and empowered to build a dam across said river, at any place between the mouth thereof, and the head of the tide therein, and to turn the present course of said river, so as that the same may run to the sea at any place between the present mouth of said river, and the north-easterly part of a certain cove in said Wells, called *Burk's Cove*, and to dig and open any canal which may be necessary for that purpose: And if any person shall be damaged in his private property, by building said dam, digging said canal, or altering the present course of said river, or in any other way by the said Proprietors, they shall be held and obliged to make full satisfaction therefor, to the party or parties who may be injured; and the damage shall be estimated according to the rules prescribed by law, to be observed in estimating damages done by laying out highways.

— empowered to build a dam and open canal.

— to make compensation for private injury.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if the Proprietors aforesaid shall not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged, may apply to the Court of General Sessions of the Peace, for the county of York, for the appointment of a Committee at his own expense, to estimate the damage so done; and the said Court are hereby authorized and empowered, by warrant under the seal thereof, upon such application, if made within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders, in the same county, to estimate such damages; which Committee shall give seasonable notice to the persons making such application and to the Clerk of the Proprietors aforesaid, of the time and place of the meeting of said Committee, who shall be under oath to perform the said service, according to their best skill and judgment; which having done, they, or the major part of them, shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace, to be holden in said county, after the same service is performed, to the end the same may be accepted, allowed

Process in case of neglect.

allowed and recorded; and the Committee so appointed, are empowered and required to estimate the said damage, and make return thereof as aforesaid; and the estimate of the Committee being accepted by the Court, and judgment entered thereon, execution shall issue accordingly: *Provided*, That in making up such judgment, the applicant for such Committee shall not be allowed any cost, if it shall appear that before his application, a sum equal to, or exceeding the damage estimated by such Committee, was actually tendered him, otherwise such applicant shall be allowed his full costs; and the Proprietors of the said corporation, in their individual capacities, are hereby made liable to be taken in execution on such judgment, and imprisoned in the same manner, as the inhabitants of any town within this Commonwealth are by law liable to be taken and imprisoned, on execution issued upon a judgment obtained against the town to which they belong; and the execution to be issued by the said Court, shall be in the same form, *mutatis mutandis*, and returnable within the same time as if judgment had been rendered against said corporation, for a like sum in damage, on process in a Court of Common Pleas.

Proprietors liable as in other cases.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if any person finds himself aggrieved, by the doings of said Committee, in estimating his damages, he may apply to the said Court of General Sessions of the Peace, at the next Session thereof, after the acceptance of such return; and the said Court are hereby empowered to hear and finally determine the same, by a Jury under oath, summoned by the Sheriff or his Deputy for that purpose, if the person complaining desires the same, or by a new Committee, if the person complaining and the Proprietors agree thereon; and if the Jury or Committee agreed upon as aforesaid, who are to be under oath, shall not increase the sum of damages, the person complaining shall be held to pay all costs incurred on that occasion, to be taxed against him, at the said Court of General Sessions; otherwise the cost and increase of damages shall be paid by the proprietors, and execution shall issue therefor, and be levied in manner before expressed.

Persons aggrieved may apply to the Court of Sessions.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the Proprietors aforesaid, be, and they hereby are authorized and empowered to purchase and hold to them and their successors forever, so much land and real estate as may become necessary for carrying into effect the purposes aforesaid.

Proprietors empowered to purchase real estate.

SECT. 7. *And be it further enacted by the authority aforesaid*, That for the purpose of reimbursing the said Proprietors the money which they may expend in building said dam, digging said canal, and altering the course of said river, a toll be, and hereby is granted for the sole benefit of the said Proprietors, to be

Toll granted.

be paid for all lumber which shall be transported in rafts, boats or other vessels through the said canal, by the transporters of such lumber, according to the rates following, *viz.* For every thousand feet of boards, joist, plank or timber, to be reckoned in board measure, *eight pence*; for every thousand of pipe staves, *one shilling*; for every thousand of hoghead staves, *eight pence*; for every thousand of barrel staves, *six pence*; for every thousand of hoops, *one shilling*; for every thousand of clapboards, *one shilling*; for every thousand of shingles or laths, *two pence*; for every shook hoghead, *one penny*; for every thousand feet of oar rafters, *five shillings*; for every cord of wood, *eight pence*; which toll the said Proprietors may demand and receive for the space of fifty years from the time of passing this Act, and no longer.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said Proprietors shall from time to time appoint some suitable person, Collector of toll, who shall constantly attend at some convenient place for the purpose of receiving said toll, which may be demanded at the time of passing through said canal; and if the transporter of any article through said canal, on which a toll is allowed by this Act, shall neglect or refuse to pay such toll, the same may be recovered by action of debt, or the case, for the use of said Proprietors, by any one of them, or any person by them appointed Collector of said toll, before any Justice of the Peace for said county, if the amount of the toll due shall not exceed the sum of *four pounds*; and if the same shall exceed that sum, then before the Court of Common Pleas for the same county, saving a right of appeal as in other cases.

Collector of  
toll appointed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect, for the space of three years from the time of passing this Act, to complete such dam and canal in manner aforesaid, then this Act shall be void and of no effect.

Act void in  
case.

[This Act passed *June 27, 1792.*]

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An ACT to set off *Benjamin Freeman*, and others, from the Town of *Charlton*, in the County of *Worcester*, and to annex them to the Town of *Sturbridge*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Benjamin Freeman*, *Daniel Marcy*, and *Elijah Seebree*, with all their lands lying on the south side of the road leading from *Sturbridge* meeting-house, to *Sarah Cheney's*, in *Dudley*, including so much of the road aforesaid as now lies in *Charlton*, with the dwelling-houses and other buildings thereon,

Persons set off.

be,

be, and they hereby are set off from the town of *Charlton*, and annexed to the town of *Sturbridge*, and shall forever hereafter be considered as making part of the same.

Proviso.

SECT. 2. *Provided nevertheless*, That the several persons above named, and their estates, shall be still holden to pay all legal taxes assessed upon them, before the passing of this Act, and also their proportionable part in building and repairing the bridge over *Quinabogue River*, by *Marce's* mills, in like manner as though this Act had not been made.

[This Act passed June 27, 1792.]

Further time given to complete the work, by Act Jan. 22, 1796. Rates of toll established June 17, 1797: Increased March 3, 1804.

An ACT incorporating *Dudley Atkins Tyng*, Esq. and others, for the Purpose of rendering *Merrimack River* passable with Boats, Rafts and Mafts, from the divisional line of *New-Hampshire* and *Massachusetts*, to the Tide-Waters of the said River, by the Name of The Proprietors of the Locks and Canals on *Merrimack River*.

Preamble.

WHEREAS removing the obstructions to the passing of boats, rafts and mafts upon *Merrimack River*, from the divisional line of *New-Hampshire* and *Massachusetts* to the tide-waters of the said river, will be of great public utility; and *Dudley Atkins Tyng*, *William Coombs*, *Joseph Tyler*, *Nicholas Johnson*, and *Joshua Carter*, have petitioned this Court, setting forth, that they with others of their fellow-citizens have associated for that purpose, and praying for an Act of incorporation, empowering them to make such Canals and Locks, and perform such other operations as may be necessary to remove or lessen the said obstructions, with such privileges and immunities as to this Court should seem meet:

Persons incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Dudley Atkins Tyng*, *William Coombs*, *Joseph Tyler*, *Nicholas Johnson*, and *Joshua Carter*, with such other persons as have with them associated as aforesaid, and all those who may hereafter become Proprietors of the said proposed Locks and Canals, and of the funds or real estate to be raised or purchased for carrying into effect the said designed undertaking, be, and they hereby are made and constituted a body politic and corporate forever, by the name of the Proprietors of the Locks and Canals on *Merrimack River*, and by that name may sue and be sued to final judgment and execution, and may do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer; and may have and use a common seal, and the same may break and alter at pleasure.

—, their power and subjection.

SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the persons aforementioned, or any three of them, may, by advertisement in the *Independent Chronicle*, and in the *Essex Journal*, warn or call a meeting of the said Proprietors, to be Authorized to call meetings. holden at any suitable time and place, after thirty days from the first publication of the said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, (accounting and allowing one vote to each single share, in all cases: *Provided however*, That no one Proprietor shall have more than twenty votes,) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and shall or may also agree upon a method for calling future meetings, and at the same or any subsequent meetings, may elect such officers, and make and establish such Proprietors to elect officers, make by-laws, &c. rules and by-laws, as to them shall appear necessary, or convenient for the regulation and government of the said corporation, and for carrying into effect the purpose aforesaid, and for collecting the toll herein after granted and established; and the same rules and by-laws may cause to be executed: *Provided* they are not repugnant to the constitution or laws Provide. of this Commonwealth: And may annex penalties to the breach thereof, not exceeding *three pounds*; and all representations at any meetings of the said intended corporation shall be proved by writing, signed by the person to be represented, which shall be filed with the Clerk: And this Act, and all rules, by-laws, regulations and proceedings of the said corporation, shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they hereby are authorized and empowered to construct and maintain all such canals, locks and dams, as shall be necessary, in order to permit the passage of boats, rafts and masts, in *Merrimack River*, from the northerly line of this Commonwealth to the tide-waters of the said river; and for the purpose aforesaid to take, occupy and enclose any of the lands adjoining any such canals and locks, which may be necessary for building and repairing the same, for towing-paths and other necessary purposes, — empowered to construct & maintain canals. — to take private property. (provided such lands shall not exceed twenty feet in width, on each side of such canals and locks) to blow up and remove any rocks in the said river, and to dig in any of the lands near to the said river, through which it may be necessary to pass such canals: *Provided notwithstanding*, That nothing herein contained shall be construed to authorize the said Proprietors to obstruct the main passage of said river by erecting any dam or dams across the same. Providos.

And whereas it may be necessary in the prosecution of the foregoing business that the property of private persons be, as Preamble. in

in the laying out of highways, used for the public benefit, and adequate compensation ought to be made therefor, and a prompt and certain method appointed to obtain the same :

SECT. 4. *Be it enacted by the authority aforesaid,* That in all cases where any person shall be damaged in his or her property by the said Proprietors by the cutting or making canals through his or her land, by removing mills or mill-dams, diverting water-courses, or flowing his land, or in any other manner, in carrying into effect the said proposed undertaking, and the said Proprietors shall not, within twenty days after request made, tender reasonable satisfaction to the acceptance of the person damaged, in any manner as aforesaid, the Court of General Sessions of the Peace for the county wherein the damage shall have been done, shall and may upon the application of the person so damaged, by warrant under the seal of such Court, appoint a Committee of five disinterested freeholders, in the same county, to estimate such damage : *Provided* such application be made within one year from the time of the damage done as aforesaid ; which Committee shall give seasonable notice to the persons on whose application they were appointed, and to the Clerk of the said Proprietors, of the time and place of their meeting, and shall be under oath to perform the said service according to their best skill and judgment ; which having done, they or the major part of them shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace, to be holden in the same county after the service is performed, to the end, the same may be accepted, allowed and recorded ; and if the return of the Committee be accepted by the Court, execution shall issue against the property only of the corporation, or of any individual belonging thereto, after twenty days from the acceptance of said report, for the sum so adjudged in damages, with all costs, to be allowed by the Court : *Provided* the sum of damages estimated by the Committee exceed the sum tendered by the corporation ; otherwise no costs shall be allowed.

And if any person find himself aggrieved by the doings of such Committee, in estimating such damages, the said Court, upon application made at the next session thereof, after the acceptance of such return, is hereby empowered to hear, and finally to determine the same by a Jury, to be summoned by the Sheriff, or in case the Sheriff is interested, by the Coroner, and sworn, if the person applying desires the same, or by a new Committee, if the person aggrieved and the Proprietors can agree thereon ; and if the Jury or Committee agreed upon as aforesaid, who are to be under oath, shall not increase the sum of damages, the person making the application shall pay all costs incurred on that occasion, to be taxed against him

Compensation  
to be made for  
the damage of  
private prop-  
erty.

In case of ne-  
glect to be re-  
ferred by  
Court.

Proviso.

Execution may  
be issued.

Method of pro-  
cedure in case  
of being ag-  
grieved in esti-  
mation of dam-  
ages.

him by the Court ; otherwise such cost and increase of damages shall be paid by the Proprietors, and execution shall issue for the same, in manner as is before expressed : And it shall be the duty of such Committee or Jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where, and how many bridges shall be made and maintained by said Proprietors over the canals aforesaid, for the convenience of private persons, and how the same shall be constructed, and what damages shall be paid by the Proprietors for neglecting to make and maintain such bridges ; and the report of such Committee or the verdict of such Jury, being returned into the same Court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages as aforesaid, saving only, that where the sum of damages is not estimated at a sum in gross, for the full satisfaction thereof, but a yearly sum is assessed ; in such case the complainant and those who shall possess estate so damaged, shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered as aforesaid ; and also for the recovery of the damages for neglecting to make and maintain the bridges aforesaid so often as the same is necessary.

Committee authorized respecting bridges over canals.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if there shall be occasion in the prosecution of the said undertaking to make a canal across any public highways, or if any highways shall hereafter be laid out across any such canal, it shall be the duty of the said Proprietors to make and maintain in good repair a sufficient bridge or bridges over such canal.

Proprietors obligated respecting highways.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously and contrary to law, take up, remove, break down, dig under, or otherwise damnify any dam, canal or lock, made use of for inclosing water for the purpose aforesaid, or any part thereof, he shall for every such offence forfeit and pay to the said proprietors treble the value of such damages, as the said Proprietors shall make appear to the Justice or Court and Jury, before whom the trial shall be, that they have sustained by such trespass: And such offender or offenders shall be liable to indictment for any offence against this Act, and on conviction thereof shall be sentenced to pay a fine to the use of the Commonwealth, of not more than *twenty pounds*, nor less than *five pounds* ; or to be imprisoned for a term not exceeding three months, at the discretion of the Court before whom the conviction shall be.

Forfeitures and penalties in case of damaging canals, &c. to the proprietors and the Commonwealth.

Proprietors  
empowered  
with real ef-  
tate.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they hereby are authorized and empowered to purchase and hold in fee simple, all such land and real estate as may be necessary for carrying into effect the purposes of this Act.

Toll granted.  
— rates.

SECT. 8. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors, the money by them expended, or to be expended, in building and supporting the dams, canals and locks, and in clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, not exceeding the rates following, viz. For passing the locks and canals at *Wickasick* and *Patucket Falls*, to be received at *Patucket*, for every thousand feet of pine boards *two shillings*; for every thousand feet of two and an half inch pine plank, *six shillings*, and other pine plank in proportion thereto; for every thousand feet of two and an half inch oak plank, *ten shillings*, and other oak plank in proportion thereto; for every cord of pine wood, *eight pence*; for every cord of other wood, *one shilling*; for every thousand of barrel staves, *two shillings*; for every thousand of hoghead staves, *three shillings and six pence*; for every thousand of pipe staves, *five shillings*; for every ton of oak timber, *one shilling and six pence*; for every ton of pine timber, *ten pence*; for every boat or other vessel, at the rate of *one shilling* for every ton burthen it is capable of conveying, whether loaded or not; for every mast, at the rate of *one shilling* for every inch of the diameter thereof, at one third of the length from the largest end; and for all articles not enumerated in proportion to the rates aforesaid; for passing the locks, canals and passage-ways at *Hunt's*, *Varnum's*, *Parker's*, and *Peter's Falls*, to be paid at *Peter's Falls*, one half of the foregoing rates; for passing the locks and canal of *Peter's Falls* only, one quarter of the foregoing rates: And on all articles having passed the locks, canals and passage-ways of *Patucket Falls*, one half only of the toll herein established, to be paid at *Peter's Falls*, shall be received; and for passing the locks, canals and passage-ways at *Bodwell's Falls* and *Mitchell's Falls* one-third of the rates herein before established, to be paid at *Patucket Falls*, subject to a deduction of one-third thereof on all articles having paid toll at *Peter's Falls* only, and of two-thirds thereof on all articles having paid toll at *Patucket Falls*.

Persons ap-  
pointed to at-  
tend the locks.

SECT. 9. *And be it further enacted by the authority aforesaid,* That suitable persons shall attend the locks in the day time, during the whole of the season in which boats or rafts can pass; and on the toll being paid shall immediately permit passengers with their property to pass the locks: And the said toll shall commence on the day of the opening said locks and



and canals respectively for the purposes aforesaid, and shall continue forever : *Provided*, That after the expiration of thirty years from the opening thereof, the General Court may from thenceforward regulate the rate of toll ; and the same shall be collected in such manner as shall be prescribed by the said Corporation.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the said Proprietors shall erect, make, and forever maintain such dams, canals and locks, and shall so clear the passages of the river aforesaid, from the northerly line of this Commonwealth to the tide waters of the said river, as that rafts, masts and floats of timber, not exceeding twenty-five feet in width, and one hundred feet in length, may pass securely down ; and that boats not drawing more than three feet of water, may pass securely up and down at all seasons of the year, when the other parts of the said river are passable for the same ; and that they shall keep and expose to view, when required, the rates of toll of the tollable articles, fairly and legibly written or printed, at the several places where the toll shall be received.

Time when the toll shall commence.

Proprietors obligated respecting locks and canals.

Rates of toll, &c. to be affixed to view.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the share or shares of any of the said Proprietors in the said locks and canals, and in all the real and personal estate, of which the said Corporation may at any time hereafter be legally seized or possessed by virtue of this Act, may be transferred by deed, acknowledged, and recorded by the Clerk of the said Proprietors in a book to be kept for that purpose ; and when any share or shares of any of the said Proprietors shall be attached on mesne process, an attested copy of such process shall be left with the Clerk of the said Proprietors, at the time of such attachment made, otherwise the same shall be void.

Shares allowed to be transferred.

SECT. 12. *And be it further enacted by the authority aforesaid*, That if the said Proprietors shall neglect, for the space of four years from the passing of this Act, to make and complete such dams, canals and locks, and to clear the passages of the said river at *Wickafack* and *Patucket Falls*, so that the same shall be passable in manner as aforesaid, then this Act, so far as the same relates to the said falls, or either of them, or to the receiving of toll for the passage thereof, shall be void and of no effect : And if the said proprietors shall neglect for the space of six years from the passing of this Act, to make and complete such canals, dams and locks, and to clear the passages of the said river, at all the other falls of the said river herein before mentioned, so that the same shall be passable in manner as aforesaid, then this Act, so far as the same relates to said other falls, and each of them, or to the receiving of toll for the passage thereof, shall be void and of no effect.

In case of neglect this Act to be void relatively.

[This Act passed June 27, 1792.]

An ACT regulating in certain Particulars the Improvement of *Plumb Island*, in the county of *Essex*, and repealing an Act for the effectual preventing of Horses, Neat Cattle, Sheep and Swine, from running at large, or feeding upon a certain Island, called *Plumb Island*, lying in *Ipswich Bay*, in the County of *Essex*, passed in the Year, One thousand seven hundred and thirty-nine.

Preamble.

**W**HEREAS the island called *Plumb Island* in *Ipswich Bay*, in the county of *Essex*, consisting partly of upland or beach, valuable for pasturing, and partly of salt marsh, cannot be sufficiently fenced or divided, so that the respective Proprietors might securely enjoy their different improvements:

Proprietors to improve the island, conditionally.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

That from and after the passing of this Act, no proprietor or owner of, or in the upland, beach or other pasturing of the said island, shall be allowed to improve the same for the pasturing of neat cattle or horses, unless they shall be secured by a sufficient and lawful fence, or inclosure, or by a keeper; and at least one keeper shall be required and employed for every twenty-five head of neat cattle or horses, there put to feed, and shall be continued during their stay; and no sheep or swine shall be allowed to feed or run upon the said island, unless belonging to any owner or tenant resident thereon, and being kept within a sufficient inclosure; and if any neat cattle or horse, shall be found at large, or not under a keeper on said island, or any sheep or swine contrary to the intent of this Act, the owner or owners thereof, shall forfeit and pay a fine of *forty shillings*, for every head of neat cattle or horse, and a fine of *five shillings*, for every sheep or swine, which shall be there found as aforesaid; to be recovered by any person or persons, by impounding and by selling the same, if payment shall not be made, as in other cases of cattle found, damage feasant; such fine or fines, when recovered, to be three-quarters for the use of the poor of the town where the owner of such cattle, horse, sheep or swine, shall reside, and the other quarter for the use of the person or persons prosecuting therefor.

Forfeiture.

Penalties for strayed cattle put to feed.

SECT. 2. *And be it further enacted,* That if any neat cattle or horses, put to feed on said island, shall stray from the upland, beach or other pasturing there, and shall be found upon the salt marsh, the keeper or keepers, having charge thereof, or if not under the care of a keeper, the owner or owners thereof, shall forfeit and pay a fine of *five shillings*, for each and every head of neat cattle or horse, which shall be so there found,

found, to be in like manner recovered, by impounding the same, which the owner, or lawful occupant of any tract of marsh, or parcel of said island, is authorized to execute and pursue: And when cattle or horses, under the care of a keeper, shall be so found, and impounded, the owner or owners thereof, who shall thereupon be liable, and shall pay any fine or fines therefor as aforesaid, shall and may recover the amount thereof, with all costs and damages, from the keeper or keepers, who had charge of such cattle or horse, by action of the case, to be brought before any Court proper to try the same.

SECT. 3. *Provided nevertheless, and be it further enacted,* That no Proprietor or tenant, actually resident on said island, whose cattle, horses, sheep or swine shall be found at large on said island, shall be thereby liable to the penalties established by this Act, but only as in other cases of cattle, damage feasant. Proviso.

SECT. 4. *And be it further enacted,* That if the cattle, horses, sheep or swine of any person or persons, having no right or lawful authority to feed on the said upland or beach, shall be found on said island, straying or feeding there, he or they shall, besides the fines and forfeitures before established, be liable and answerable as in other cases of cattle found, damage feasant, the want of fences notwithstanding; and the owner of the land trespassed upon, or any agent or agents, who shall be appointed by the Proprietors to prevent trespasses, may sue or otherwise prosecute for such damages, for their own use, or the use of the Proprietors, as the case may be. Penalty for cattle belonging to persons who have no right.

SECT. 5. *And be it further enacted,* That any person or persons, whether a Proprietor in said island or otherwise, who shall cut down or destroy any of the shrubs or small trees, of a less diameter than six inches, or shall set fire to the grass there growing, shall be liable to a fine not exceeding *£5. pounds*, nor less than *forty shillings*, to be recovered by complaint, indictment or information, to the use of the person or persons, who shall prosecute therefor. — for damages  
ing trees.

SECT. 6. *And be it further enacted,* That the Act entitled, "An Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large, or feeding on a certain island, called *Plumb Island*, lying in *Ipswich Bay*, in the county of *Essex*," passed in the year of our Lord one thousand seven hundred and thirty-nine, shall be, and the same is hereby repealed. Act repealed.

[This Act passed June 27, 1792.]

An

An ACT to incorporate the Plantation of *Buckstown*,  
in the County of *Hancock*, into a Town by the  
Name of *Buckstown*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, viz. Beginning at a pine tree, marked *I B E B E M*, standing on the shore of the *Thoroughfare*, (so called,) it being the south-west-erly corner of township *Number Two*; thence running north sixty-two and a half degrees east, one mile and one hundred and six rods, to *Penobscot* eastern river; thence northerly by said river, about one mile and a half, to an oak tree standing by said river, marked as above; thence north fifty-two degrees east, five miles and one hundred and twenty-five rods, to a birch tree marked; thence north twenty degrees and half west, five miles and forty rods, to a spruce tree marked; thence south seventy degrees west, five miles and one hundred and eighty-four rods, to an oak tree marked, standing on the bank of *Penobscot* main river, being the south-westerly corner of *Orington*; thence southerly by said river to the first mentioned bounds, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Buckstown*, and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law.

Buckstown in-  
corporated.

Jonathan Buck,  
jun. to issue a  
warrant.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Jonathan Buck*, jun. Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Buckstown*, requiring him to warn the inhabitants thereof to meet at some convenient time and place, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed June 27, 1792.]

An ACT to incorporate certain Persons by the Name  
of the Independent Christian Church, in *Gloucester*.

Preamble.

**W**HEREAS fundry persons, inhabitants of the town of *Gloucester*, have for several years past, associated for the purpose of public worship, and have at their own expense, supported a public teacher, in preaching the gospel upon principles most agreeable to the dictates of their own consciences, and have petitioned this Court to be incorporated, that they may be better enabled to conduct their parochial affairs with ease and regularity :

SECT,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Pearce, Winthrop Sargent, Joseph Foster, Epes Sargent, John Somes, David Plumer, Barnett Haskin, John Low, 3d. William Pearce, Isaac Elwell, James Sawyer, Abraham Sawyer, jun. William Gee, Abraham Sanger, Francis Low, Joseph Herrick, Lemuel Gates, William Card, Francis Norwood, Benjamin Hale, Daniel Marchant, jun. Aaron Sargent, Samuel Wonsen, jun. Caleb Poole, John Stevens Ellery, Benjamin Tarbox, Henry Phelps, Moses Fitz, Thomas Foster, Benjamin Lufkin, Benjamin K. Hough, William Murphy, Jonathan Low, Joseph Proctor, Solomon Babson, Daniel E. Proctor, Aaron Hall, Joseph Allen, jun. Winthrop Allen, John Allen, David Sargent, William Baty, Caleb Norwood, Joseph Baker, John Gott, Ebenezer Gott, Samuel Wonsen, Benjamin Marshall, Ebenezer Pool, John Norwood, Nathan Pool, together with all those who are and those who shall become members of the same Church, or being of the same religious denomination, shall unite with them, in the same place of worship, within said town of Gloucester, together with their several estates, lying within said town, be, and hereby are set apart and incorporated into a society, by the name of *The Independent Christian Church in Gloucester*, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any Court or place whatever.

Persons incor-  
porated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the members of said incorporation, at any meeting of the society, shall have a right by a majority of votes, to ordain and establish all such rules and regulations, and to appoint such officers for the government of said society, as shall not be repugnant to the laws and constitution of the Commonwealth; and at such meetings, to vote such taxes and make such assessments thereof, as shall be necessary for the support of said Church, and the public teacher thereof.

Society em-  
powered to  
regulate them-  
selves.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all male persons who usually assemble with the aforesaid Church and Congregation for public worship, being of the same religious denomination, and qualified by law to vote in town affairs, shall have a right to vote in all meetings of the said Society.

Qualifications  
of members to  
vote.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any five of the petitioners, or other persons usually assembling with said Church and Congregation, may call a first meeting of said Society, at such time and in such place, within said town of Gloucester, as they shall see fit, at which meeting the method of calling their future meetings shall be determined conformably to the laws of the Commonwealth.

Number au-  
thorized to call  
a meeting.

SECT.

Exempted from  
all taxes for the  
support of re-  
ligion but  
their own.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the petitioners, and all others, their associates in said Church and Congregation, and their several estates lying in said town of *Gloucester*, shall not be liable to any tax or assessment, for the support of any other public teacher of piety, religion or morality, of whatever religious sect or denomination, but are hereby declared to be exempt therefrom.

Candidates for  
the society to  
leave their  
names with the  
town-clerk.

SECT. 6. *And be it further enacted,* That all those who hereafter shall be desirous of becoming members of said Church or Society, being inhabitants of said town, shall leave their names with the Town-Clerk of said town, twenty days at least previous to the annual meeting of the inhabitants of said town in the month of *March* or *April*, otherwise they shall not be considered in law as members of said Church or Society.

[This Act passed June 28, 1792.]

An ACT to incorporate the Plantation of *Washington*, in the County of *Lincoln*, into a Town by the Name of *Mount Vernon*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, viz. Beginning at the north-westerly corner of lot number one hundred and sixty-eight, in said plantation; thence running east-south-east, three miles and two hundred and forty rods, to *Long Pond* (so called); thence southerly down said pond and stream, four miles and two hundred and twenty rods to the north line of lot number forty-nine; thence east-south-east, one mile and thirty rods, to the north-east corner of lot number fifty-two; thence south-south-west, two miles and eighty rods, to the north line of *Readfield*; thence west-north-west six miles and two hundred and thirty rods, to *Sterling* line; thence north twenty-nine degrees west, six miles and one hundred and seventy rods, to the first mentioned bounds, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Mount Vernon*, and the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may enjoy by law.

Robert Page,  
Esq to issue a  
warrant.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Robert Page*, Esq. be, and he is hereby empowered to issue his warrant directed to some suitable inhabitant of the said town of *Mount Vernon*, requiring him to warn the inhabitants thereof, to meet at some convenient time and place, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed June 28, 1792.]

An

An ACT to repeal an Act, entitled, "An Act for incorporating a Number of the Inhabitants of the first Parish in *Mendon*, in the County of *Worcester*, into a Society by the Name of the First Congregational Society in *Mendon*," passed in the Year of our Lord, One thousand seven hundred and eighty-four. March 16.

**W**HEREAS the Act, entitled, "an Act for incorporating a number of inhabitants of the first parish in *Mendon* in the county of *Worcester*, into a Society by the name of *The First Congregational Society in Mendon*," does not produce those salutary effects which were expected : Preamble

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Act be, and the same is hereby repealed, and made null and void. Act repealed.

SECT. 2. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That the said Society shall be holden to pay all debts by them heretofore contracted, in the same way and manner, as though the said Act had not been repealed ; and that each and every subscriber to the said fund of said Society shall be holden to pay the interest due on their several obligations, to the first day of *June*, one thousand seven hundred and ninety-two. Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *Samuel Fairbanks, Joseph Adams, and Stephen Johnson*, the present Trustees of said Society, or any two of them, be, and they are hereby authorized and empowered, by themselves, their agent or attorney, to collect, for the use of the members of said Society, all debts due from any person or persons, not members of said Society ; and the Trustees are hereby directed to return to the members of said Society the bonds, notes or other property they have, or may receive into their hands, belonging to said Society ; and the said Society shall be holden to account with the first parish in *Mendon*, or any individual thereof, for any monies or property which said Society have received, and which did belong to them before the passing the incorporating Act. Trustees empowered.

SECT. 4. *Provided nevertheless,* The said Trustees shall not be holden to account with the individuals of said Society, for any more than their equal proportion of their subscription after the debts due from said Society are paid and satisfied. Proviso.

[This Act passed June 28, 1792.]

An

March 8, 1792.

An ACT in addition to an Act entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles' River*, from the westerly part of *Boston* to *Cambridge*, and for extending the Interest of the Proprietors of *Charles' River* Bridge for a term of Years," and for repealing a certain clause in said Act.

Term of time for the continuance of the Proprietors in a Corporation.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of *West Boston* Bridge, shall continue to be a Corporation and Body Politic, for and during the term of seventy years, to be computed from the day that the said *West-Boston* Bridge, shall be completed and opened for passengers, subject to all the conditions and regulations in said Act prescribed, except the annual payment of *three hundred pounds*, to the use of *Harvard* College or University; and during the term aforesaid, the Proprietors of said *West Boston* Bridge may continue to collect and receive the toll granted by the aforesaid Act, for their use and benefit.

Clause of a former Act repealed.

SECT. 2. And be it further enacted, That the condition and clause in the aforesaid Act, whereby said Corporation is bound and obliged to pay annually to *Harvard* College or University, the sum of *three hundred pounds*, during the term of forty years, be, and the same hereby is repealed and made null and void.

Corporation to pay £.200 per annum to Harvard College.

SECT. 3. And be it further enacted, That after the toll specified and appointed by the aforesaid Act shall commence, the said Corporation shall pay annually to the Treasurer of *Harvard* College or University the sum of *two hundred pounds*, during the said term of seventy years, to be by said College appropriated for the purpose of defraying the expense of tuition to such indigent scholars as, in the judgment of the Corporation of said University, shall stand in need of the same; the residue, if any there be, to be applied for the purpose of reducing the expense of tuition to all other scholars: And if the sum before mentioned shall be applied to any other purposes than are herein directed, then and in that case it shall revert to and be paid into the Treasury of the Commonwealth.

[This Act passed June 30, 1792.]

An



An ACT for establishing an Academy, in the Town of *Taunton*, in the County of *Bristol*, by the Name of *The Bristol Academy*.

**W**HEREAS it appears by the petition of the Honorable *David Cobb*, Esq. for himself and others, his associates, that they have subscribed a sum of money for the purpose of erecting and supporting an Academy in the town of *Taunton*, in the county of *Bristol*; to effect which generous design more fully, it is necessary to establish and endow a Body Politic : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Taunton*, in the county of *Bristol*, an Academy, by the name of *The Bristol Academy*, for the purpose of promoting piety, morality and patriotism, and for the education of youth in such languages and such of the liberal arts and sciences as the Trustees shall direct; and that the Honorable *Walter Spooner*, *William Baylies*, *David Cobb*, and *Elisha May*, Esquires, *James Williams*, *Apellos Leonard*, *Seth Paddleford*, *Samuel Fales*, and *Samuel Leonard*, Esquires, Messieurs *Simeon Tisdale*, *James Tisdale*, *Joseph Tisdale*, and *Jonathan Cobb*, be, and hereby are nominated and appointed Trustees of said Academy; and they are hereby incorporated into a Body Politic, by the name of the Trustees of the *Bristol Academy*; and they and their successors shall be and continue a Body Politic by the same name forever. Academy established. Trustees appointed.

SECT. 2. *And be it further enacted,* That the said Academy be endowed with a township containing six miles square, of the unappropriated lands in the counties of *Lincoln* or *Hancock*, to be laid out by the Committee for the sale of eastern lands, and to be located in such place as will best subserve the interest of the Commonwealth; and that all the lands and monies heretofore given or subscribed, or which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and they the said Trustees shall be further capable of having, holding and taking in fee simple, by gift, grant, devise or otherwise, any lands, tenements or other estate real or personal: *Provided* the annual income of the same shall not exceed *six hundred pounds*; and shall apply the rents, issues and profits thereof in such a manner as that the design of the institution of the Academy may be most effectually promoted. Township granted and confirmed to the Trustees. Proviso.

SECT.

Trustees empowered. **SECT. 3.** *Be it further enacted,* That the said Trustees shall have full power, from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices; to remove any Trustee from the Corporation, when in their opinion he shall be incapable, through age or otherwise, of discharging the duties of his office; to fill all vacancies, by electing such persons for Trustees as they shall judge best; to determine the times and places of their meetings, the manner of notifying the said Trustees, the method of electing or removing Trustees; to ascertain the powers and duties of their several officers; to elect Preceptors and Instructors of said Academy, to determine the duties and tenures of their offices; to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the Academy, and ascertain the qualifications of students requisite to their admission; and the same rules, orders or by-laws at their pleasure to repeal.

to have a seal. **SECT. 4.** *Be it further enacted,* That the Trustees of said Academy may have one common seal, which they may change at pleasure; and that all the deeds, signed and delivered by the Treasurer or Secretary of said Trustees, by their order, and sealed with their seal, shall, when made in their name, be considered as their deed, and as such to be duly executed and valid in law; and that the Trustees of said Academy may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of *Bristol Academy*.

Number of Trustees limited. **SECT. 5.** *Be it further enacted,* That the number of said Trustees and their successors shall not at any one time be more than fifteen nor less than nine, five of whom shall constitute a quorum for transacting business; and a majority of members present at a legal meeting shall decide all questions proper to come before the Trustees.

**SECT. 6.** *Be it further enacted,* That *Apollos Leonard*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

[This Act passed June 30, 1792.]

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An ACT for ascertaining the Boundary Line between the north-east Part of the Town of *Franklin* and the south-east Part of the Town of *Medway*.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the dividing line between the said towns for the future

future shall be as follows, viz. Beginning at *Charles River*, on the east side of the road, by the south side of the bridge, (known by the name of *Josbua Partridge's* bridge) thence running southerly with the said road until it comes to the land of *Benjamin Kingbury*; thence running easterly with said *Kingbury's* land, until it comes to the southernmost point of said *Partridge's* land; thence running north fifty-nine degrees, east six chains; thence south sixty-eight degrees and thirty minutes, east thirty-three chains, to a large pine tree; thence easterly on the line that divides the land formerly belonging to *Nathaniel* and *Nathan Whiting*, until it comes to *Wrentham* town line, and thence the town of *Medway* shall bound on said *Wrentham* line to *Charles' River*, excepting that two small pieces of land now owned by *Benjamin Kingbury* and *Silence Lovell* shall still remain as part of the said town of *Franklin*.

[This Act passed November 13, 1792.]

AN ACT to set off *John Abbott* and others, with their Families and Estates, with other Lands, from the Town of *Ashburnham*, and to annex the same to the Town of *Ashby*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Abbott*, *James Bennett*, *James Pollard*, *John Shattuck*, *Joseph Damon*, *Isaac Whitney*, *Jeremiah Abbott*, *John Hall*, *Anos Brooks*, and *Daniel Brown*, with their families and estates, and also all the lands contained within the following line (excepting the lands now owned by *Henry Hall*,) viz. Beginning at the north-east corner of *Ashburnham*, at the line between the States of *Massachusetts* and *New-Hampshire*, and running westerly by and with said State's line, five hundred and four poles to the land of *James Spaulding*; thence running southerly a straight line by land of said *Spaulding* one hundred and forty-five poles, to land of Capt. *John Moor*; thence running south-easterly a straight line eight hundred and seventy poles to *Ashby* line, at a stake and stones; thence running northerly by *Ashby* line seven hundred and fifty-three poles to the corner of *Ashburnham* first mentioned, be, and hereby are annexed and set to the town of *Ashby*, and county of *Middlesex*, with all the rights and immunities of inhabitants of said town of *Ashby*: Provided always, That the persons aforesaid, with the lands and effects aforesaid, shall be holden to pay to the town of *Ashburnham* all taxes heretofore assessed or granted by said town; also their full proportion of all debts now due from said town of *Ashburnham*.

[This Act passed November 16, 1792.]

An ACT to empower *Silas Nowell*, Guardian to his Children, to join in the Division of certain undivided Estates, to them belonging, with the other Owners, and on their Behalf to execute any Deeds that may be necessary for that Purpose.

Guardian em-  
powered.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Silas Nowell, father, and lawful guardian to Sarah Johnson Nowell, James Nowell, Martha Nowell, Silas Nowell, jun. Ralph Cross Nowell, and Phebe Nowell, all of Newbury-Port, in the county of Essex, minors, be and he hereby is fully authorized and empowered, for and in behalf of his said children, to agree upon and make partition of the real estate of their grandfather, Ralph Cross, late of said Newbury-Port, deceased, lying both in this Commonwealth and in the State of New-Hampshire, with the other devisees or owners thereof, and to accept and take the share belonging to his said children, in any such parcel or parcels, and in any such place or places as he shall judge most for their benefit and advantage, as fully as they could do themselves if they were of lawful age; and to make and execute any proper deed or deeds necessary for effecting and completing such partition; and the said Silas is also fully empowered, previous to such partition to settle and adjust with Stephen Cross and Ralph Cross, Esquires, Executors to the last will and testament of the said Ralph Cross, deceased, the demands of the said children against them for their part of the personal estate of said testator; and upon the said Stephen and Ralph giving him a receipt and discharge for so much as the same shall amount to, on account of one hundred and eighty pounds, with the interest charged upon the said children's sixth part of the testator's estate, to give and execute to them the said Stephen and Ralph, a proper receipt and discharge for the same; and whatever part of one hundred and eighty pounds and interest, if any may then remain due to them, the said Silas is hereby authorized to satisfy and discharge out of his said children's part of said real estate, by setting off and allotting to them, the said Stephen and Ralph respectively, in said division, so much thereof as he shall think just, and they shall agree to accept in satisfaction therefor; or if they cannot agree, then such allotment shall be made by impartial freeholders, to be named and agreed upon by the said guardian, and the said Stephen and Ralph; Provided that the said Silas Nowell, guardian as aforesaid, give bond, with sufficient sureties to the Judge of Probate for the said county of Essex, to be conditioned for the faithful performance of the powers and trusts herein granted.*

Provido.

[This Act passed November 17, 1792.]

An

An ACT for incorporating a Number of the Inhabitants of *Turner*, and the Plantation called *Bucktown*, in the County of *Cumberland*, into a distinct religious Society.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Simon Record, Joshua Keen, Edmund Irish, John Buck, William Selley, Benjamin Selley, William Lowell, Eleazer Chace, Joshua Davis, Thomas Irish, Stephen Lowell, Jonathan Record, Joseph Roberts, junior, John Thorlo, William Rich, William Berry, Lemuel Crocker, Andrew Elliott, John W. Elliott, Jonathan Philbrick, Joshua Wescot, William Dobb, Jeremiah Hodgdon, James Hodgdon, Thomas Lowell, John Savett, David Warren, Joseph Roberts, John Irish, junior, Enoch Hall, Nathaniel Smith, Jonathan Roberts, Jetham Shaw, James Jordan, Caleb Young, Amos Brown, Richard Taler, Joseph Chace, John Irish, Samuel Blake, Samuel Andrews, Asa Smith, Mark Andrews, Henry Jones, Benjamin Jones, Fazel Smith, jun. Laban Smith, Daniel Child, Hezekiah Bryant, Levi Merrick, Richard Phillips, John Dillingham, Samuel Gorham, Jesse Bradford, Fazel Smith, Daniel French, Daniel Merrill, John Brown, Ezekiel Bradford, Joseph Leavitt, Nathaniel Gilbert*, members of the said religious Society, together with their estates, be, and they hereby are incorporated by the name of *The Baptist Society of Turner and Bucktown*, with all the privileges, powers and immunities, to which other parishes in the Commonwealth are by law entitled.

Persons incorporated.

SECT. 2. *And be it further enacted*, That *Josiah Thatcher*, Esquire, is hereby authorized to issue his warrant, directed to some principal member of said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town or plantation, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually, and to transact all such matters and things as are necessary and may be legally done in said Society.

Josiah Thatcher to issue his warrant.

[This Act passed November 17, 1792.]

An ACT to establish a Corporation, by the Name of  
The Trustees of the *Marblehead Academy*.

WHEREAS a suitable number of Academies within this Commonwealth for the education of youth, are of common benefit; and it appears that a tract of land with a building thereon, suitable for an Academy, and with other requisite advantages for the support thereof, have been provided in *Marblehead*:

Preamble.

SECT.

Persons incor-  
porated.

—, their pow-  
er.

Common seal.

Specified lands  
the property of  
the Corpora-  
tion.

Corporation  
capable in law  
to receive and  
dispose of any  
estate, &c. in  
case.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Sewall, Robert Hooper, Samuel Hooper, William Raymond Lee, Eliska Story, Samuel Russell Trevett, John Humphreys, John Goodwin, Marston Watson, Richard Homan, Joseph Sewall, Samuel Bartoll, John Dixey, Richard Pedrick, Ebenezer Graves, and Burrill Devereux,* with all others who have or shall become benefactors to the Academy which has been instituted in *Marblehead*, in the county of *Essex*, by any gift or donation which shall be accepted by the Trustees for the time being, and also the Preceptor of the said Academy, by virtue of his office, are, and shall be hereby established and made a Body Politic and Corporate, by the name of *The Trustees of the Marblehead Academy*; and they and the survivors of them and their successors, to be appointed as hereinafter is provided, shall be and continue a Body Politic and Corporate by the same name forever; and by that name the said Corporation may sue and shall be liable to be sued, and shall have power, by their officers, agents or attornies, to prosecute and defend in all actions, real, personal and mixed, until final judgment, execution and satisfaction: And the said Corporation shall have and use a common seal, which they may break, alter and renew at their pleasure. *Provided*, That when any person shall decline to serve as a Trustee, and such resignation shall be recorded by the said Corporation, his place shall be deemed vacant.

SECT. 2. *And be it further enacted by the authority aforesaid;* That a tract of land conveyed by *William Burgefs*, and the adjoining tract conveyed by *Oliver Peabody and Frances*, his wife; to the said *Marston Watson*, and several others, before-named, situate in *Marblehead*; also the building called the Academy, erected thereon, and the privileges and appurtenances thereof, being now the property of the said Trustees above-named, shall be deemed and taken to be the property of the said Corporation; who likewise are, and shall be capable in law to take and receive by gift, grant, bargain, devise or otherwise, any lands, tenements, or other estate, real and personal, and whereof the annual income shall not exceed the sum of *two thousand dollars* in silver; to have and to hold the same for the sole trust and purpose of supporting an Academy in said *Marblehead*, for the promotion of piety, religion and morality, and for the education of youth in the liberal arts and sciences, and all other useful learning, according to the requisition of any gift or bequest which shall be made to the said Corporation, or as the Trustees for the time being shall and may direct and ordain: And the said Corporation shall have full power and authority to lease and manage their lands, tenements, and all other estate, and to bargain, sell and dispose thereof

thereof where they shall not be restrained by the terms of any gift or devise : *Provided*, That for the sale of any real estate, the property of said Corporation, the concurrence of two-thirds of all the Trustees for the time being shall be required : And all deeds or contracts sealed with the common seal of the said Corporation, and signed by any officer thereof, or any Trustee, pursuant to their order, shall be valid and effectual in law to all intents. Proviso.  
Contracts to be binding in case.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Corporation shall have power, by standing rules or otherwise, to determine the times and places of meeting, the manner of notifying the Trustees, and the methods of proceeding thereat ; also to elect such officers of the said Corporation as they shall judge necessary, and to appoint and provide a Preceptor of the said Academy, with all needful assistants, and to determine the powers, duties and salaries of their respective officers, and to ascertain the qualifications and terms of admission of all students which shall be received at the said Academy, and to make and ordain all other reasonable rules, orders and by-laws, with penalties or without, and not repugnant to the laws of this Commonwealth, as well for the good government of the said Corporation as for the better regulation of the said Academy ; and all such rules, orders and by-laws to repeal. Power of the Corporation.

SECT. 4. *And be it further enacted by the authority aforesaid*, That whenever the number of the Trustees of the said Academy shall be less than fifteen, the Trustees for the time being shall have power, and it shall be their duty to nominate, elect and appoint other suitable persons as Trustees, until that number shall be complete. Further power.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the Legislature of this Commonwealth may, from time to time, when and in such manner as shall be thought fit, inquire into the doings of the said Corporation, and their performance of the trusts aforesaid ; and upon any breach thereof, or other sufficient cause to the said Legislature, upon due notice to the said Corporation, and a full hearing thereupon, sufficiently appearing, may annul the grants and authorities hereby made, or such part thereof as the said Legislature shall thereupon determine : *Provided*, That all and singular the estates of the said Corporation shall thereupon revert to the donors thereof, or according to any limitation in any grant or donation made. Legislature empowered, with a Proviso.

[This Act passed November 17, 1792.]

An ACT in addition to, and for amending an Act, passed the ninth Day of *June*, One thousand seven hundred and ninety, entitled, “An Act for incorporating the southerly Part of the Town of *Plympton*, in the County of *Plymouth*, into a Town by the Name of *Carver*.”

Preamble.

**W**HEREAS disputes have arisen respecting the dividing line between the towns of *Plympton* and *Carver*; for preventing of which in future,

Dividing line established.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the dividing line between the said towns of Plympton and Carver shall be the same line that is now known and established, as the dividing line between the north and south precincts in said town, when they were both Plympton, and shall forever hereafter be so considered and understood.*

[This Act passed February 8, 1793.]

An ACT repealing in Part a Clause in an Act passed *March* the fifth, One thousand seven hundred and eighty-five, entitled, “An Act for incorporating the Plantation of *Shapleigh*, in the County of *York*, into a Town by the Name of *Shapleigh*, and for annexing certain Lands to *Lebanon*.”

Preamble.

**W**HEREAS the Proprietors of a certain grant or parcel of land within the bounds of *Shapleigh*, and known by the name of *Woodman's* grant, have petitioned this Court that the said tract of land, which by the said Act is annexed to the town of *Lebanon*, may be annexed to the town of *Shapleigh*:

Clause in a former Act repealed.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in the aforesaid Act, annexing the grant of land laid out to Woodman, Cook and Bagley, to Lebanon, be, and the said clause is hereby repealed, so far as it relates to Woodman's grant aforesaid.*

Woodman's grant annexed to Shapleigh, with a

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid, That the tract of land granted to Woodman be, and it hereby is annexed to, and forever hereafter shall be considered as a part of, and belonging to the town of Shapleigh; any thing in the aforesaid Act to the contrary notwithstanding: Provided nevertheless, That the inhabitants on Woodman's grant aforesaid shall be held to pay all taxes heretofore assessed on them by the town of Lebanon.*

[This Act passed February 14, 1793.]

An



An ACT in further addition to an Act, entitled,  
 “ An Act for incorporating certain Persons for the  
 Purpose of building a Bridge over *Merrimack River*, Feb. 24, 1792.  
 in the County of *Essex*, and for supporting the  
 same.”

**W**HEREAS the Proprietors of *Essex Merrimack Bridge* Preamble.  
 have represented to this Court, that the said bridge  
 has been much more expensive than upon calculation was ex-  
 pected ; and it being reasonable to grant to the said Propri-  
 etors some further benefit than in said Act is contained :

*Be it therefore enacted by the Senate and House of Representatives  
 in General Court assembled, and by the authority of the same, That*  
 the toll in and by the said Act granted and established shall  
 continue to be received by the said Proprietors for the term of Time of receiv-  
 ing toll extend-  
 ed.  
 fifty years from the day of the first opening of the said bridge,  
 without any interposition of the Legislature for the regulation  
 of said toll within said term, as in said Act is provided.

[This Act passed February 15, 1793.]

An ACT to set off *Jonathan Kidder* and others from  
 the Town of *Sutton*, in the County of *Worcester*,  
 and to annex them to the Town of *Oxford*.

**B**E it enacted by the Senate and House of Representatives, in  
 General Court assembled, and by the authority of the same,  
 That *Jonathan Kidder*, *Samuel Blanchard*, and *Arthur Daggett*, Persons set off  
 from Sutton,  
 and annexed to  
 Oxford, with a  
 with all their estates, be, and they hereby are set off from  
 the town of *Sutton*, and annexed to the town of *Oxford*, there  
 to do duty and receive privileges equal to other inhabitants in  
 said town of *Oxford*. Provido.  
*Provided* nevertheless, That the said  
*Jonathan Kidder*, *Samuel Blanchard*, and *Arthur Daggett*, re-  
 spectively, be held to pay all taxes already assessed on them  
 by the town of *Sutton*, in the same manner as they would have  
 been if this Act had not passed.

[This Act passed February 18, 1793.]

An ACT for incorporating a Number of the Inhab-  
 itants of the Town of *Haverhill*, and of the neigh-  
 bouring Towns in the County of *Essex*, into a  
 distinct and separate Religious Society.

SECT. I. **B**E it enacted by the Senate and House of Representa-  
 tives, in General Court assembled, and by the author-  
 ity of the same, That *William Greenleaf*, *John Green*, *John White*,  
*James Duncan*, *James Duncan, jun.* *William Greenleaf, jun.*  
*Leonard*

Persons incorporated into a Baptist Society. *Leonard White, Thomas Rummer, William Smiley, Jonathan Mooers, Ebenezer Wood, Justin Kent, Joseph Atwood, jun. Joseph Peabody, Obadiah Carleton, Isaac Cole, Daniel Thurston, Eliphalet Buck, Nathan Baker, Benjamin Chase, James Greenleaf, Joshua Page, Samuel Trask, Joel Harriman, Jonathan Shepard, Elisha Woodbury, Benjamin Mooers, Kimball Carleton, Daniel Greenleaf, James Smiley, Moses Morfs, Samuel Merrill, Ephraim Corliss, John Emery, David Hobart, Matthew Pettingell, Abijah Kelley, Jeremiah Fitz, Richard Hastings, Richard Bailey, Abiah Page, Lewis Bailey, Daniel Bradley, jun. Benjamin Kimball, John Kezer Gile, Joseph Atwood, Simon Ayer, Jonathan Lusk, Israel Carleton, Joseph Harriman, William Tapley, Phineas Nichols, Anthony Kelley, Thomas Clark, Nehemiah Sargent, Enoch Nichols, John Morfs, Isaac Davis, Samuel Farrington, Nathan Currier, Nehemiah Sargent, jun. Moses Plummer, Ebenezer Farrington, jun. Asa Messer, James Wilson, Alpheus Messer, Nathaniel Messer, Ebenezer Messer, Ebenezer Messer, jun. and Jonathan Currier, members of the said Religious Society, together with their polls and estates, be, and they are hereby incorporated by the name of *The Baptist Religious Society in Haverhill*, with all the privileges, powers and immunities which any parish in this Commonwealth is by law entitled to.*

Persons joining said Society to give notice thereof. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That any and every person in the town of *Haverhill*, and in the neighbouring towns in said county of *Essex*, who may at any time hereafter actually become a member of, and unite in religious worship with said Society, in said *Haverhill*, and give in his or her name to the clerk of the parish to which he or she belonged, with a certificate signed by the minister or clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said *Baptist Religious Society in Haverhill*, fourteen days previous to the parish meeting, therein to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society. *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Members may leave said Society by giving notice. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of said *Baptist Religious Society*, with a certificate signed by the minister or clerk of the parish or other incorporate religious Society with which he may unite, that he hath actually become a member of, and united in religious worship with such other parish, or other incorporate religious Society, fourteen days previous

previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she hath so united.

SECT. 4. *And be it further enacted by the authority aforesaid*, That *Samuel White*, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of *Haverhill* to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually; and to transact all matters and things necessary to be done in said Society.

*Samuel White*, Esq. to issue a warrant.

[This Act passed *February 18, 1793.*]

# An ACT to set off *Williams Allen* and others from the Town of *Dartmouth*, and annex them to the Town of *Westport*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Williams Allen, Abner Wilcox, John Cornell, Rustcomb Kierby, Ebenezer Allen, Warren Gifford, Michael Wainer, David Wing, Prince Wing, Joseph Wing, Edward Wing, jun. Peleg White, Jonathan Russell, David Soule, Job Sisson, Job Earl, Joshua Earl, Richard Kierby, Jonathan Tawelman, jun. Job Anthony, Henry Brightman, Ellis Brightman, Peleg Cornell, Thomas Cornell, Isaac Tripp, James Tripp, jun. George Brownell, the third, Isaac Cory, Jonathan Potter, John Howland, John Cornell, Job Lawton, David Lawton, John Lawton, Adam Lawton, Richard Lawton, and George Lawton, jun.* with their respective families and estates, lying within the boundary line of the town of *Westport*, in the county of *Bristol*, having been annexed to the town of *Dartmouth*, be, and they hereby are set off from the said town of *Dartmouth*, and annexed to the said town of *Westport*, with all the privileges and immunities of other inhabitants of said town of *Westport*.

Persons set off from *Dartmouth* and annexed to *Westport*, with a

SECT. 2. *Provided nevertheless*, That the said *Williams Allen*, and others herein before named, shall be holden to pay all taxes assessed against them in said town of *Dartmouth* prior to the passing this Act, in the same way and manner they were before holden to pay the same; any thing in this Act to the contrary notwithstanding.

Proviso.

[This Act passed *February 25, 1793.*]

An

Feb. 23, 1792.

An ACT in addition to an Act, entitled, "An Act incorporating the Hon. *John Worthington*, Esq. and others, therein named, for the Purpose of rendering *Connecticut River* passable for Boats and other things, from the mouth of *Chickapee River*, northward, throughout this Commonwealth, by the Name of the Proprietors of the Locks and Canals on *Connecticut River*."

Preamble.

**W**HEREAS it will be necessary for the Corporation named in the abovementioned Act, to raise large sums of money to erect said Locks and Canals, and to complete the purposes of their institution :

Corporation authorized to assess money ;

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Corporation be, and they are hereby authorized and empowered to assess such sums of money, from time to time, on the Proprietors named in said Act, respectively, or on their shares, or the shares of their assignees, respectively, as they shall deem necessary for carrying on and completing the works aforesaid. And the monies so assessed shall be paid into the Treasury of said Corporation ; and if any of the said Proprietors or owners of shares in said Locks and Canals shall neglect to pay to the Treasurer of said Corporation his proportion of a tax so assessed, for the term of thirty days after notice is given of such tax, in two of the newspapers published in the county of *Hampshire*, the said Treasurer is hereby authorized to sell at public auction the right and interest, share or shares of such delinquent Proprietor ; and if the right or share so sold shall sell for more than the tax thereon, with the incidental charges, the overplus shall be returned to the owner, on demand. And the said Treasurer, at the time he shall give notice of the tax aforesaid, shall also give notice of the time and place of the sales aforesaid, in case of delinquency ; and he shall give the purchaser a certificate of the right or shares sold to him as aforesaid ; which certificate shall be recorded by the Clerk of said Proprietors, in a book to be kept for the purpose, and shall entitle such purchaser, his heirs and assigns, to all the interest and benefit which the original Proprietor had therein, and shall subject him and them to all the rules and regulations of the Corporation.

and in case of delinquency to sell the shares ;

first giving notice to the delinquent.

Shares transferable.

Clerk to be sworn.

SECT. 2. *Be it enacted*, That the right and share of any Proprietor in the said Locks and Canals may be transferred by deed, acknowledged and recorded by the Clerk of the Proprietors, in the book aforesaid : and the Clerk shall be sworn faithfully to execute all the duties of his office.

SECT.

SECT. 3. *Be it further enacted*, That the said Corporation be, and they are hereby empowered to establish such rules, regulations and by-laws as they shall deem necessary and convenient for the good government of said Corporation, and to annex such fines for the breach thereof as they shall judge proper, not exceeding *three pounds* for any one offence: *Provided* such rules, regulations and by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

Corporation empowered; with a

Proviso.

SECT. 4. *Be it further enacted*, That the said Corporation be, and they are hereby empowered to have and use a common seal, and the same at pleasure to break, alter or renew.

— may have a common seal.

SECT. 5. *Be it further enacted*, That the right, title and property of the said Corporation, and of each individual thereof, in said Locks and Canals, and their appurtenances, be, and the same is hereby declared to be personal estate, to all intents and purposes whatsoever.

Shares to be deemed personal estate.

[This Act passed *February 25, 1793.*]

An ACT to set off *Caleb Woods* and others from *Groton*, and to annex them to *Dunstable*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Caleb Woods, Silas Blood, Amariah Swallow, Nathaniel Cummings, Ebenezer Procter, Silas Blood, jun. Silas Marshall, Levi Parker, Amos Woods, Isaac Lawrence, Peter Blood, Caleb Blood, jun. Henry Blood, Caleb Woods, jun. and Silas Marshall, jun.* together with their families and estates, and also the estates of *Doctor Jonas Marshall, the heirs of Captain Solomon Woods, deceased, and Joseph Parkhurst*, which they now own in said *Groton*, be, and they are hereby set off from the town of *Groton*, in the county of *Middlesex*, and annexed to *Dunstable* in said county, and shall hereafter be considered a part of the same, there to do duty and receive privileges, as the other inhabitants of said *Dunstable*. *Provided nevertheless*, That the persons above mentioned shall pay all taxes that have been legally assessed on them by said *Groton*, in the same manner as if this Act had never been passed.

Persons set off from Groton, and annexed to Dunstable; with a

Proviso.

[This Act passed *February 25, 1793.*]

An ACT for setting off *Elijah Whitney* from the Town of *Shrewsbury*, in the County of *Worcester*, and annexing him to the Town of *Westborough* in the same County.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Elijah Whitney*, of *Shrewsbury*, in the county of

of

Elijah Whitney  
set off from  
Shrewsbury, &  
annexed to  
Westborough;  
with a

of *Worcester*, with his lands and buildings, be, and they hereby are set off from the said town of *Shrewsbury*, and annexed to the town of *Westborough*, in the same county, and forever hereafter shall be considered as belonging to and making part of the said town of *Westborough*; there to do duty, and receive privileges equal to other inhabitants in said town.

Proviso.

SECT. 2. *Provided nevertheless*, That the said *Elijah Whitney* be held to pay all taxes already assessed on him, or his said lands, by the town of *Shrewsbury*, in the same manner as he would have been if this Act had not passed.

[This Act passed March 2, 1793.]

An ACT to enable the Town of *Newbury* to regulate and order the taking of Fish, called Shad, Bass and Alewives, in the River *Parker*, within the Limits of said Town.

**B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this Act, it shall and may be lawful for the inhabitants of said town of *Newbury*, at their annual meeting in *March* or *April*, during the continuance of this Act, to determine and order in what manner, and at what time the said fish, called Shad, Bass and Alewives, in the river *Parker*, may be taken within the limits of said town. And the said inhabitants shall cause a copy of such order, attested by the Town-Clerk, to be posted up in some public place in said town, whereunto all persons shall conform with respect to the taking said fish, called Shad, Bass and Alewives, in the river *Parker*, within said town of *Newbury*, on penalty, that each and every offender against the same shall forfeit and pay the sum of *twenty shillings*, to be sued for and recovered before any Court proper to try the same; one moiety to the informer, and the other moiety to the poor of said town of *Newbury*.

[This Act passed March 2, 1793.]

March 5, 1791.

An ACT in addition to an Act, entitled, "An Act to establish an Academy in the Town of *Hallowell*, by the Name of *Hallowell Academy*."

Preamble.

**W**HEREAS it is represented to the General Court, that an inconvenience has arisen on account of the distance of the members of the Corporation or Trustees of said Academy from each other, it having been found difficult to obtain a meeting of a majority of all the members of said Corporation, to transact the necessary business of the said Academy:

*Be*

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, seven or more of the Trustees of the said Academy present at any meeting of the Trustees, shall constitute a quorum, to transact all the business of the said Academy; the transaction of which, by the Act establishing said Academy, required the presence of a majority of the whole: Provided, all the members shall have been duly notified of such meeting, excepting in a question of a removal of the Academy, which shall require two thirds of all the members conformably to the Act to which this is an addition.*

Number of  
Trustees to con-  
stitute a quo-  
rum.

[This Act passed March 2, 1793.]

### An ACT to annex a certain Gore of Land to the Town of West-Stockbridge.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a gore of land lying west of the town of West-Stockbridge, between the said town, and the east line of the State of New-York, and bounding south on the north line of the town of Alford, together with all the inhabitants living on said gore of land, be, and hereby are annexed to the said town of West-Stockbridge; and the said inhabitants living on said gore of land, shall do the same duties and receive the same privileges as other inhabitants of said town.*

Gore of land  
annexed.

[This Act passed March 2, 1793.]

### An ACT for naturalizing George William Erving.

*WHEREAS George William Erving hath petitioned the General Court that he may be naturalized, and thereby become entitled to all the rights and privileges of a free citizen:*

*SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid George William Erving, taking and subscribing the oath of allegiance to this Commonwealth, and the oath to support the Constitution of the United States, before two Justices of the Peace, quorum unus, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, and entitled to all the privileges and immunities of a citizen.*

G. W. Erving  
naturalized.

*SECT. 2. And be it further enacted, That the Justices before whom the said George William Erving, shall take and subscribe the said oath, shall return a certificate of the same into the Secretary's office, that it may be there recorded.*

— to subscribe  
the oath.

[This Act passed March 9, 1793.]

An

Feb. 7, 1792.

An ACT in addition to an Act, entitled, “An Act to incorporate the Plantation *Number Seven*, so called, in the County of *Hampshire*, into a Town by the Name of *Hawley*.”

Preamble.

**W**HEREAS by the Act aforesaid, for incorporating said new Plantation *Number Seven*, into a town, passed the fifth day of *February*, one thousand seven hundred and ninety-two, a small part of said plantation, on the west side thereof, which lieth in the county of *Berkshire*, was through inadvertence omitted, and not included within the limits of said town, which will be very prejudicial to the proprietors and owners thereof: And whereas it will be convenient and beneficial for the proprietors and inhabitants thereof, that the whole of said town should lie in the county of *Hampshire*:

Plantation incorporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the whole of said Plantation Number Seven, be included in the said town of Hawley, and that the west line of said town of Hawley be extended so far westward into the county of Berkshire, as to comprehend the same plantation; and that the said west line henceforth be as follows, to wit, beginning at a tree marked with a heap of stones about it, being the south-west corner of said plantation Number Seven, and extending thence in a straight line to the north-west corner thereof, being also a tree marked with a heap of stones about it.*

Boundaries.

SECT. 2. *And be it further enacted, That the whole of the said town of Hawley be annexed to, and be part of the said county of Hampshire.*

[This Act passed March 9, 1793.]

An ACT for incorporating the South Precinct of the Town of *Braintree*, in the County of *Suffolk*, into a separate Town, by the Name of *Randolph*.

Randolph incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands comprised within the south precinct in Braintree, as the same is now bounded, with the inhabitants dwelling thereon, be, and they hereby are incorporated into a town, by the name of Randolph: And the said town of Randolph is hereby invested with all the powers, privileges and immunities to which towns within this Commonwealth are or may be entitled agreeably to the Constitution and laws of the said Commonwealth.*

SECT. 2. *Be it further enacted by the authority aforesaid, That the inhabitants of the said town of Randolph shall pay*  
all



all the arrears of taxes which have been assessed upon them by — to pay arrears of taxes.  
the town of *Braintree*; and shall support any poor person or persons who have heretofore been, or now are inhabitants of that part of *Braintree* which is hereby incorporated, and are, or may become chargeable, and who shall not have obtained a settlement elsewhere, when they may become chargeable; and such poor person or persons may be returned to the town of *Randolph*, in the same way and manner that paupers may, by law, be returned to the town or district to which they belong: And the inhabitants of the said town of *Randolph* shall pay their proportion of all debts now due from the town of *Braintree*; and shall be entitled to receive their proportion of all debts and monies now due to the said town of *Braintree*; and also their proportionable part of all other property of the said town of *Braintree*, of what kind or description soever. *Provided always*, That the lands belonging to the said town of *Braintree*, for the purpose of maintaining schools, shall be divided between the said town of *Braintree* and the said town of *Randolph*, in the same proportion as they were respectively assessed for the payment of the last State tax. *Proviso.*

SECT. 3. *Provided nevertheless, and be it further enacted*, That any of the inhabitants now dwelling within the bounds of said town of *Randolph*, who have remonstrated against the division of the town of *Braintree*, and who may be desirous of belonging to said town of *Braintree*, shall at any time, within six months from the passing of this Act, by returning their names into the Secretary's office, and signifying their desire of belonging to said *Braintree*, have that privilege, and shall with their polls and estates belong to, and be a part of said *Braintree*, by paying their proportion of all taxes which shall have been laid on said town of *Randolph*, previously to their thus returning their names, as they would by law have been holden to pay, had they continued to be a part of the town of *Randolph*. *Proviso.*

SECT. 4. *And be it further enacted by the authority aforesaid*, That *Samuel Niles*, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant of the said town of *Randolph*, requiring him to warn and give notice to the inhabitants of the said town, to assemble and meet at some suitable time and place in the said town of *Randolph*, as soon as conveniently may be, to choose all such officers as towns are required to choose at their annual town-meeting in the month of *March* or *April* annually. *Samuel Niles, Esq. to issue his warrant.*

[This Act passed *March 9, 1793.*]

Ans

Additional Act,  
Feb. 7, 1803.

An ACT empowering *Charles Barrett, Esq.* to erect Locks and open a navigable Canal from the upper Part of *Barrett's Town*, so called, in the County of *Lincoln*, with the Sea, through *George's River*, so called.

Preamble.

**W**HEREAS *Charles Barrett, Esq.* has petitioned this Court for leave to open a Canal to avoid the falls in *George's River*, so called, in the county of *Lincoln*; and whereas such undertakings by facilitating the means of communication and transportation, are greatly beneficial to the trade of the Commonwealth:

*Charles Barrett, Esq.* empowered to open a canal.

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Charles Barrett, of New-Ipswich, in the State of New-Hampshire, Esq.* his heirs and assigns, be, and they hereby are authorized and empowered, within the term of six years from the passing of this Act, to open and cut a navigable Canal, from the upper part of *Barrett's Town*, so called, in the said county of *Lincoln*, beginning at the distance of twenty-five miles above the head of the tide in *George's River*, so called, in the county aforesaid, to communicate with the sea, at the mouth of said river; and for the purposes aforesaid, to take, use, occupy, possess and enjoy in fee simple, any land or water, necessary to complete said Canal, from the head thereof, to a place in said river, below any obstructions to the navigation, he or they paying therefor, in manner hereafter prescribed: *Provided nevertheless*, That the land so taken, shall not exceed twenty-five feet on each side of said Canal, for necessary purposes:

Proviso.

Preamble.

And whereas it may be necessary that the said *Barrett*, his heirs or assigns, make use of, and appropriate the lands or other property of private persons:

Persons authorized to settle all disputes respecting the value of lands.

SECT. 2. *Be it further enacted by the authority aforesaid, That when the said Barrett, his heirs or assigns, and the Proprietors of any lands, waters, water-courses, mills, mill-streams, mill-dams, or other estates, for the purposes aforesaid, cannot agree upon the value thereof, nor upon some suitable person or persons to appraise the same, the Justices of the Supreme Judicial Court are hereby authorized and empowered, at any sessions in the county of Essex, upon application of either party, after due notice given, to appoint three disinterested freeholders within such county, whose appraisement upon oath, being returned into said Court, and by them accepted, shall be final between the parties, and vest the estate, so appraised, in the said Barrett, his heirs and assigns forever. Provided nevertheless, if either party shall be dissatisfied with the determination of the appraisers,*

Proviso.

ers, appointed as aforesaid, and shall at the same sessions at which the report shall be made, or at the next session of the said Court, in the same county, apply to the Court for a trial by Jury, the said Court shall have power to determine the same by a Jury, in the same manner that other causes are determined; and if the verdict of the Jury shall not give to the party applying a larger sum or a more favourable decision, as the case may be, than the appraisers appointed as aforesaid, the Court shall award costs against the party applying; but if the last decision shall be more favourable to the party applying than the decision of the appraisers, the Court shall award costs against the party not applying: In both cases the judgment shall be made up agreeably to the verdict, or report of the Committee, so far as it respects damage, with or without a deduction of the costs, as the case may require, and execution shall issue accordingly; and the said *Charles Barrett*, his heirs or assigns, with their estates, shall be liable for the sums awarded or recovered as aforesaid, in the same way and manner as individuals in common cases are liable.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Justices of the Supreme Judicial Court, upon the application of the Selectmen of any town through which the said Canal shall pass, be, and they hereby are authorized and empowered to appoint three disinterested freeholders, who shall, after hearing the parties, determine what bridge or bridges shall be erected across said Canal, for the accommodation of the public, where the said Canal crosses any highways; and the said bridges shall be erected in the same way and manner, and at the expense of the same parties who would by law have been obliged to erect the same: *Provided however,* that all extra expenses which may be incurred in erecting and supporting such bridge or bridges, and which would not have been incurred if the said Canal had not been opened, shall be defrayed by the said *Barrett*, his heirs and assigns.

Justices of Supreme Judicial Court authorized in the case.

Provida.

SECT. 4. *And be it further enacted by the authority aforesaid,* That a toll be, and hereby is granted for the sole benefit of the Proprietor or Proprietors of said Canal, in the manner, and according to the rates following, *to wit,* For every ton weight which shall be transported in boats or other vessels through the Locks and Canals, at the upper falls in said river, at the mouth of *Seneca* pond, so called, the sum of *one shilling and six pence*: For every thousand feet of boards, passing through the same Locks and Canals, the sum of *one shilling and six pence*: For plank and square timber, passing through the same Locks and Canals, and for all other lumber floated on rafts or otherwise, through the same, in the same proportion, and according to the same rates above-mentioned: For every ton weight which shall be transported in boats or vessels through the Locks and Canals,

Toll granted.

— rates.

Canals, by the lower falls in said *George's River*, near the head of the tide in said river, the sum of *one shilling and six pence* : For every thousand feet of boards, and in the same proportion for plank and square timber, and every other species of lumber, whether transported on rafts or otherwise, passing through the last mentioned Locks and Canals, the sum of *one shilling and six pence* : And every boat or other vessel not loaded, passing through said Locks and Canals, at either of said places, shall pay at the rate of *one shilling* for every ton weight it is capable of conveying : And the said toll shall be paid at the time of entering said Locks and Canals.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said *Charles Barrett* shall receive said toll, and shall possess and enjoy the emoluments of said Canal, and the profits thereof, to him, his heirs and assigns, for the term of seventy years from the passing of this Act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the whole interest, right or estate, in the said Canal, shall be deemed and considered as personal estate to all intents and purposes whatever.

SECT. 7. *And be it further enacted by the authority aforesaid,* That as soon as the said *Charles Barrett*, his heirs or assigns, shall have completed the Locks and Canals by either of said falls, he shall be entitled to demand the toll herein provided, according to the rates herein established, upon any property which shall be transported through the same. And the said *Charles Barrett*, his heirs or assigns, shall, for the aforesaid term of seventy years, have the exclusive right of making Locks and Canals upon the said river, within the bounds herein prescribed.

SECT. 8. *Provided nevertheless,* If the said *Charles Barrett*, his heirs or assigns, shall not within six years from the passing of this Act, complete the said Canal, so as that the same may be passed with rafts and boats ; or if after the same shall be completed, and before the expiration of the term of seventy years, he or they shall suffer the Locks and Canals aforesaid to be out of repair, so as that the same shall not be passable as aforesaid, for the space of two years, then, and in either of those cases, this grant and Act shall be void ; and the said *Barrett*, his heirs or assigns, shall forfeit all his or their right to the benefits thereof.

[This Act passed March 9, 1793.]

An

**An ACT** to set off *Eleazer Robbins*, and others, with their Families and Estates, from the Towns of *Stoughton* and *Sharon*, and to annex them to the Town of *Foxborough*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Eleazer Robbins, Daniel Morse, Elisba Morse, Solomon Morse, Samuel Morse, Isaac Pratt*, the heirs of *Persons set off,* *Joseph Pratt*, widow *Mary Patten, David Patten, Ralph Thomp-* and annexed to *son, Caleb Atherton, Els Atherton, Abijah Pratt, and Seth Boyden,* *Foxborough.* be, and they hereby are set off from the town of *Stoughton*, and annexed to the town of *Foxborough*, with their families and estates, to do duty and enjoy privileges in said town, to all intents and purposes: *Provided nevertheless,* That the said *Elea-* *Proviso.* *zer Robbins*, and others, above named, heretofore belonging to the said town of *Stoughton*, shall pay their proportion of the debt the said town now owes, to be computed according to their proportion of the last State tax; and the above named persons shall receive their proportion of all the public monies belonging to said town of *Stoughton*.

SECT. 2. *And be it further enacted,* That *Shadrack Winslow* Others annex- and *Daniel Wilbore*, with their families and estates, also the ed to *Foxbo-* lands of *Levi Pratt, Jesse Pratt, Benoni Pratt, Alexander Doby,* rough. and the heirs of *Jonathan Wilbore*, now lying within the bounds of *Sharon* and *Stoughton*, be, and hereby are set off from the town of *Sharon*, and annexed to the town of *Foxborough*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the dividing line between the north-easterly part of the *Dividing line.* town of *Foxborough*, and the south-easterly part of the town of *Sharon* for the future shall be as follows, viz.—Beginning at the south-easterly corner of *Deacon Benjamin Fairbank's* land; then running south-easterly to the south-westerly corner of *Benjamin White's* land; then turning easterly to the line between *Capt. Joseph Pratt's* and *Benjamin Hodge's* land; hereby leaving all the lands to the said town of *Sharon*, that did formerly belong to *Joseph Hewens, Esq.* deceased: *Provided nevertheless,* That if any person now an inhabitant of that part of the town of *Stoughton* set off to the town of *Foxborough*, shall become chargeable, said persons shall be supported by the town of *Foxborough*.

[This Act passed *March 12, 1793.*]

AN

An ACT in addition to an Act, passed in the Year of our Lord One Thousand seven hundred and eighty-one, for incorporating the Second Precinct in the Town of *Lancaster*, into a Town, by the Name of *Sterling*.

Preamble.

**W**HEREAS disputes have arisen between the towns of *Lancaster* and *Sterling*, both in the county of *Worcester*, respecting the support of such persons who removed from the town of *Lancaster*, before the said town of *Sterling* was incorporated, and who have since, or hereafter may become paupers ; and the said towns have mutually agreed on an accommodation, and have applied to this Court to have the same ratified by the Legislature :

Persons to be supported by the town of *Sterling*.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every person who had obtained a legal settlement as the law prescribes, in that part of the town of Lancaster, which is now Sterling, and did remove from said town of Lancaster, before the incorporating of said town of Sterling, and who has already, or shall hereafter become chargeable for his or her support, shall be supported by the said town of Sterling. Provided always, That such poor persons shall not have gained a legal inhabitancy in any other town or place, after having removed from that part of the said town of Lancaster, which is now Sterling, and so vice versa in the town of Lancaster.*

Proviso.

Preamble.

And whereas it appears that the line between the said towns of *Lancaster* and *Sterling* runs through the farm of *Ephraim Wilder*, and others : And as it is mutually agreed by the inhabitants of the said towns of *Lancaster* and *Sterling*, that the following alteration of the line between said towns of *Lancaster* and *Sterling* shall be made :

Dividing line established.

SECT. 2. *Be it therefore enacted, That the line between said towns shall be established as follows, viz. Beginning at a heap of stones near an old stump at Leominster ; thence east, nineteen and one half degrees south, one hundred and sixty rods, to a stake and stones ; thence south, six and one half degrees west, four hundred and fifty-five rods, to a stake and stones ; thence south, sixty-three degrees east, twenty-eight rods, to a stake and stones ; thence south, fifteen degrees west, thirty-two rods, to a stake and stones ; thence south, seventy degrees east, forty rods, to a stake and stones ; thence south, twenty-five degrees west, one hundred and twenty-two rods, to an elm tree ; thence south, seventy-seven degrees east, seventy-three rods, to a white-oak ; thence south, nineteen degrees west, forty-six rods, to a heap of stones ; thence due west, fifty rods, to a white-oak ; thence south, sixty-four degrees west, one hundred*

hundred and six rods, to an elm ; thence south, nine degrees east, sixty-four rods to a walnut ; thence south, sixty-one degrees east, thirty-four rods to a stake and stones ; thence south, eighteen degrees west, twenty-four rods, to a stump and stones ; thence south, twenty-nine degrees east, seventy-nine rods, to a stake and stones ; thence south, fifty-one degrees west, sixty-two rods, to a stake and stones ; thence north, forty degrees west, fifty-five rods, to a large white-oak ; thence south, seventy-three degrees west, one hundred and sixty-six rods, to a stake and stones ; thence south, two degrees west, eighty-six rods, to a white-oak ; thence north, sixty-four degrees east, one hundred and twenty-two rods, to a large oak ; thence south, thirty degrees east, sixty-two rods, to a walnut ; thence south, seventy-eight degrees east, thirty-four rods, to a stake and stones ; thence south, sixteen degrees east, thirty-six rods, to an elm ; thence south, ten degrees west, one hundred and ninety-six rods, to a chestnut ; thence south, seven degrees west, one hundred and twelve rods, to a white-pine ; thence south, eighty-two degrees west, fifty-six rods, to a white-oak ; thence south, eleven degrees west, four hundred and ninety rods, to a white-oak and stones at *Boylston*, allowing one and one half degree west variation in the compass in all the angles.

[This Act passed *March 12, 1793.*]

An ACT for incorporating a Part of the Towns of *Laneborough, Windsor, Adams*, and the District of *New Ashford*, in the County of *Berkshire*, into a Town by the Name of *Cheshire*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the lands hereafter described, to wit : Beginning on *New Ashford* line, at the middle of the south line of *Brown's Grant*, at a stake and stones ; thence south, thirty-one degrees west, three hundred and twenty rods, to a stake and stones ; thence east, sixteen degrees south, one hundred rods, to a stake and stones ; thence south, thirty-one degrees west, one hundred and sixty rods, to a stake and stones ; thence east, sixteen degrees south, one hundred rods, to a stake and stones ; thence south, thirty-one degrees west, three hundred and twenty rods, to a stake and stones ; thence east, sixteen degrees south, four hundred rods, to a stake and stones ; thence south, thirty-one degrees west, four hundred and eighty rods, to a stake and stones ; thence east, sixteen degrees south, two hundred rods, to a stake and stones ; thence south, thirty-one degrees east, forty-two and an half rods, to a stake and stones ; thence east, sixteen degrees south, four hundred rods, to *Windsor* Boundaries,

for line, to a birch tree marked with stones about it; thence north, thirty-one degrees east, seven hundred and fourteen rods, on *Windfor* line, to a stake and stones; thence east, sixteen degrees south, nine hundred rods, to a stake and stones; thence north, eighteen degrees east, six hundred rods, to a stake and stones, on the north line of *Windfor*; thence west, sixteen degrees north, on *Windfor* line, one hundred and twenty rods, to a stake and stones in the south line of *Adams*, at the south-east corner thereof; thence north, thirty-six degrees east, three hundred and eighty rods, to a stake and stones; thence north, fourteen degrees west, four hundred and forty rods to *East Hoofuck* old line, at a stake and stones; thence west, eight degrees north, twelve hundred and ten rods, to a stake and stones; thence west, twenty-six degrees north, five hundred and twenty rods, to *Seth Jones's* corner, to a stake and stones; thence south, nine degrees west, three hundred and seventy-three rods, to a maple tree marked, on the top of the mountain; thence south, seventeen degrees west, two hundred and ten rods, to the first-mentioned bounds, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Chefbire*, vested with all the powers, privileges and immunities, which other towns are entitled to enjoy by the Constitution and laws of this Commonwealth.

Chefbire incor-  
porated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants living within the town of *Chefbire*, shall pay all such arrearages of taxes as have been assessed against them prior to this Act; and that the Treasurers of the several towns shall have full power to enforce the collection of such taxes as if this Act had never taken place.

Back taxes to  
be paid by the  
inhabitants of  
Chefbire.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the town of *Chefbire* shall provide for the maintenance of all poor persons who may be hereafter returned to them, in consequence of their having heretofore had a legal residence within the lines of said town.

Chefbire to  
maintain the  
poor.

SECT. 4. *And be it further enacted by the authority aforesaid,* That *James Barker*, Esq. be authorized to issue his warrant to some principal inhabitant of said town of *Chefbire*, to warn them to meet at some suitable place for the purpose of electing their town officers, as the law directs.

James Barker,  
Esq. to issue his  
warrant.

SECT. 5. *And be it further enacted,* That the Register of Deeds for the north district in the county of *Berkshire* may hold his office in the said town of *Chefbire* until the time provided by law for a new choice of said officer.

Register of  
Deeds to hold  
his office in  
Chefbire.

[This Act passed *March 14, 1793.*]



An ACT for dividing the Town of *Salisbury*, in the County of *Effex*, into two Parishes.

Repealed in part, and dividing line altered, June 6, 1793.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of *Salisbury*, in the county of *Effex*, be, and the same hereby is divided into two distinct parishes by the following dividing line, viz. Beginning at an oak stump, being the remains of a tree formerly struck with lightning, standing on a line between the land of *Enoch, Joshua* and *Richard Titcomb*, on the one hand, and of *John Sawyer* on the other; and from thence running south-erly by the western border of said *Titcomb's* land, to *Merrimack River*; and northerly from said stump on a straight and direct course by *Dole's* corner, so called, and the school-house there standing, to *Aaron Clough's* land, and to the line of the State of *New-Hampshire*, so as to include said *Clough*, his poll and estate, in the east parish; and that all the lands in said town, with all the inhabitants thereon, lying to the eastward of said dividing line, including said *Clough* and his estate, be, and hereby are erected and incorporated into a separate parish by the name of *The East Parish in Salisbury*, and that all the lands in said town, with the inhabitants thereon, lying to the westward of said line, be, and hereby are erected and incorporated into a separate parish, by the name of *The West Parish in Salisbury*; and that each of said parishes be, and hereby is vested with all the powers, privileges and immunities, and subject to all the duties which other parishes in the Commonwealth are or may be vested with and subject to.

Boundaries.

SECT. 2. And be it further enacted by the authority aforesaid, That the lands and estate of any person who now is, or may be an inhabitant of either of said parishes, in whichever of said parishes the same may lie or be, shall be subject to be taxed to parochial charges in that parish only in which such owner lives or may live.

Estate subject to parish taxes.

SECT. 3. *Provided* nevertheless, and be it further enacted by the authority aforesaid, That any person who now is, or hereafter may be an inhabitant of either of the parishes aforesaid, may join with and become a member of the other parish, and be liable with his poll and estate to be taxed therein, and may return again and join the parish whereof he is an inhabitant, and be liable with his polls and estate to be taxed again therein, whenever he chooses so to do. And whenever any such person shall choose to join such parish, whereof he is not an inhabitant, or return therefrom as aforesaid, he shall give notice in writing of such his intention to the Clerks of each parish, on or before the first day of *March* then next, which notice

Proviso.

Inhabitants to notify their intention of becoming members.

notice shall be recorded in the parish books of record by said Clerks; from which said first day of *March*, he shall be considered and taken to be a member of that parish to which he shall so declare his intention to join or return, and be liable, with his estate, to be taxed accordingly, from year to year, and until he shall alter his intention, and declare the same anew, in manner aforesaid.

Parsonage  
house to con-  
tinue for the  
use of the min-  
isters.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the parsonage house and lands in said east parish shall be and continue for the use of the minister of the east parish, and his successors; and that the parsonage house and lands in the west parish shall be and continue to the use of the minister of the west parish, and his successors, forever; and that the parsonage, salt marsh, and lands lying at *Southampton* and *Grape-Hill*, so called, be jointly improved, in equal shares, by the ministers of both parishes, as heretofore.

Proviso.

Persons in each  
parish held to  
pay back taxes.

SECT. 5. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That nothing in this Act shall be construed to annul or destroy any contract or contracts now subsisting between said town of *Salisbury* and any person or persons whatsoever; but that every such contract shall remain in as full force; and all persons living in either parish shall be held to pay their proportions of any sum now due or that may become due from said town, by force of any such contract or contracts, as fully as if this Act had never been made; excepting only, that the contract made by the town with the minister of that part thereof which now constitutes the west parish, shall, so far as it relates to his future support, be considered as devolving and binding upon the west parish only, and not upon the town.

Theo. Bradbury,  
Esq. to issue  
a warrant.

SECT. 6. *And be it further enacted by the authority aforesaid,* That *Theophilus Bradbury*, Esq. be, and he hereby is authorized to issue a warrant to some principal inhabitant of each of said parishes, requiring and empowering them severally and respectively, to notify and warn meetings of each of said parishes, at suitable times and places therein, respectively, for the choice of such officers as may be chosen by parishes in the month of *March* or *April* annually, and for the transaction of any other business that may be legally transacted in parish meetings.

[This Act passed *March 15, 1793.*]

An ACT for erecting and maintaining a Bridge over  
*Miller's River*, so called, in the County of *Hamp-*  
*shire*.

**W**HEREAS a bridge over said *Miller's River* is very ne-  
cessary for the accommodation of travellers passing  
up and down in the great road crossing said river, near *Con-*  
*necticut River*; and the same is not wholly in the bounds of  
any town who are obliged by law to maintain a bridge over  
the same:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of*  
*Representatives, in General Court assembled, and by the authority*  
*of the same,* That a sufficient bridge for the accommodation of  
travellers shall be erected over said *Miller's River*, at or near  
the place where said road crosses said *Miller's River*, be-  
tween the towns of *Northfield* and *Montague*, at the expense of  
said county; and the Justices of the Court of General Sessions  
of the Peace for said county of *Hampshire* are hereby author-  
ized and directed to order such bridge to be erected over said  
*Miller's River*, and the expense thereof shall be borne by and  
assessed upon the inhabitants of the said county of *Hampshire*;  
and the same shall be assessed, collected, paid into, and order-  
ed out of the county-treasury, in the same way and manner  
as other county charges are.

Bridge to be  
erected and  
maintained,

SECT. 2. *And be it further enacted,* That a bridge over said  
*Miller's River*, at the place above mentioned, shall hereafter  
be maintained, repaired and supported, in manner as is before  
directed, until the Legislature of this Commonwealth shall  
otherwise order.

till the further  
order of Court,

And whereas a bridge hath been already erected over said  
*Miller's River*, near the place above mentioned, at private  
expense, and the Justices of said Court may judge it expedi-  
ent to purchase the same for the use of the public:

Preamble.

SECT. 3. *Be it further enacted by the authority aforesaid,* That  
said Justices of said Court of General Sessions of the Peace for  
said county be, and hereby are authorized to purchase the same  
bridge, if they shall see fit, for the use of the public; and the  
expense of said purchase shall be borne, assessed, collected,  
paid in, and ordered out of the treasury of said county, in the  
same manner as is in this Act before provided for erecting a  
bridge over said *Miller's River*.

Justices au-  
thorized.

[This Act passed *March 15, 1793.*]

An

An ACT to incorporate the Plantation of *Bucktown*, or *Number Five*, in the County of *Cumberland*, into a Town by the Name of *Buckfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, viz. Beginning at the north-west corner of *Hebron*, and running south seventy degrees east, on the northerly line of said *Hebron* five miles and about one hundred and ninety rods, until it strikes the west line of *Turner*; thence north twenty-six degrees east, by said line five miles and about one hundred rods, until it meets the south-east corner of *Number Six* or *Buttersfield*; thence running south eighty-one degrees west, eight miles and two hundred rods, to the east line of plantation *Number Four*; thence by said line, running south thirteen degrees east, to the first-mentioned bound; together with the inhabitants thereon, be, and they hereby are incorporated into a town, by the name of *Buckfield*; and the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do, or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *William Wedgery*, Esq. be, and he is hereby empowered and requested to issue his warrant, directed to some suitable inhabitant of the said *Buckfield*, requiring him to warn the inhabitants thereof to meet at some convenient time and place to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed *March 16, 1793.*]

Act Feb. 23, 1797, to regulate the price of the fish in Taunton. Additional Act, March 4, 1800. An ACT to prevent the Destruction of the Fish called Alewives, in *Taunton Great River*, so called, in the County of *Bristol*, and also to regulate the catching the said Fish therein for the future.

WHEREAS the law made for regulating the alewife fishery in *Taunton Great River*, so called, in the county of *Bristol*, is found to operate unequally upon, and to the disadvantage of the several towns situated on said river, and has not answered the salutary purpose of preserving and increasing the said fish, as intended:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the twentieth day of *March* instant, it shall not be lawful for any person or persons whatever, at any time after the said twentieth day of *March* instant, as aforesaid, (except

as is hereinafter provided) to catch alewives or any other fish, No fish to be with seines or drag-nets in said river: *Provided*, That it shall taken, but at and may be lawful for the inhabitants of the several towns situated on said river to catch alewives and other fish, within the particular seasons. bounds of their own town, and no where else, with seines or drag-nets, part of four days in each week only, viz.—On Monday, Tuesday, Wednesday and Thursday, from sun-rising till sun-setting on each of said days in each week: *And provided* *Provide*. each town situated on said river as aforesaid draw or sweep with two seines or drag-nets only; except the town of Taunton, which town is hereby allowed and permitted to draw or sweep with three seines or drag-nets, in said river, on the days and within the time mentioned as aforesaid; and neither of the towns aforesaid, nor the inhabitants thereof, are permitted at any time whatever to set their seines or drag-nets across said river, or any part thereof, or make use of any seine or drag-net, which is or shall at the time be more than twenty rods in length: *Provided also*, That each of said towns shall, at a legal town-meeting, ascertain and establish annually, by vote, the places where the said seines or drag-nets may be drawn within the bounds of their respective towns, as aforesaid, exclusively; and at the same meeting, or at an adjournment thereof, dispose of and grant for that year, and so on from year to year, the sole privilege of catching alewives or other fish, with seines or drag-nets, on the parts of the days of the week above-mentioned and specified, at the places ascertained and established as aforesaid, to such person or persons as shall offer or give most for the same, and give sufficient security for the payment of the same, so offered and agreed on, at such time and in such manner as the inhabitants of the respective towns shall assign and order; said person or persons so agreeing, and giving security as aforesaid, to have right to fish, and no other person whatever. *Towns authorized to sell the privilege of catching fish.*

SECT. 2. *Be it further enacted*, That if any person or persons shall presume to draw any seine or drag-net, on any day or time except the parts of days before-mentioned, or at any place other than the one ascertained and established by the town, as aforesaid, or shall on any day or at any place, set a seine or drag-net in or across said river, or any part thereof, he shall forfeit and pay *fifteen pounds* for each and every such offence, with costs of suit; one half thereof to the use of the poor of the town where the offence shall be committed, and the other half thereof to him or them who shall sue for the same; to be recovered by action of debt in any Court proper to try the same. *Penalty for taking fish contrary to the Act, how recovered.*

SECT. 3. *And be it further enacted*, That if any person or persons shall be found sweeping with any seine or drag-net, or if any seine or drag-net shall be made use of by any person or persons whatever, contrary to the true intent and meaning of this Act, or any part thereof, it shall and may be lawful for any person

Seines and nets made feizable on breach of this Act. person or persons to seize and take such seine or drag-net, to his or their own use and benefit; and if prosecuted therefor, to plead the general issue, and give this Act in evidence, as though the same was especially pleaded.

Persons to be appointed to carry it into effect. SECT. 4. *And be it further enacted by the authority aforesaid,* That the several towns on *Taunton Great River* aforesaid shall, at their annual meetings in the month of *March* or *April* in each year, choose three or more persons, being freeholders in their respective towns, to see that this Act be duly observed; and each person so chosen shall be sworn faithfully to discharge the duties herein required; and if any person so chosen shall refuse to serve, he shall forfeit and pay to and for the use of the poor of the town to which he belongs, the sum of *twenty shillings*, to be sued for and recovered by the Town-Clerk, and the said town shall immediately proceed to a new choice.

Former Act repealed. SECT. 5. *And be it further enacted,* That an Act made and passed the twenty-second day of *February*, in the year of our Lord one thousand seven hundred and ninety, entitled, "An Act to prevent the destruction of the fish, called alewives, in *Taunton Great River*, (so called,) in the county of *Bristol*, and to regulate the catching said fish therein for the future," be, and it is hereby repealed, (excepting the repealing clause thereof :) *Provided*, That all acts and things done and performed already, by virtue of said Act, are hereby and shall be considered good and valid as though this present law had never been made; and all sales of privilege, and ascertaining of places for catching alewives and other fish for the present year, shall be considered good and valid as though done under and by virtue of this present Act.

Rates for selling fish. SECT. 6. *And be it further enacted by the authority aforesaid,* That the purchasers of the privileges aforesaid shall sell said fish to any person or persons who shall apply therefor, when they have any on hand, at the rate of *two shillings* per hundred, for the first three weeks after fish begin to run, and at the rate of *one shilling and six pence* per hundred afterwards, and no more, upon the penalty of forfeiting *twenty shillings* for every hundred of said fish they shall sell over and above said prices, to be recovered by action of debt in any Court proper to try the same: *Provided*, This Act shall not operate so as to establish any price at which said fish shall be sold by the purchasers of the privileges in said towns the present year.

*Provided*.

[This Act passed *March 19, 1793.*]

An

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, in the County of *Effex*, at *Bodwell's Falls*, between *Andover* and *Methuen*, and for supporting the same.

Additional  
Acts, Feb. 27,  
1796, June 22,  
1799, Feb. 25,  
1802.

**W**HEREAS the erecting a bridge over *Merrimack River*, between the towns of *Andover* and *Methuen*, in the county of *Effex*, will be of public convenience: And whereas *Samuel Abbot*, Esq. and others have presented a petition to this Court, setting forth that they, with divers other persons, have associated for the purpose of building said bridge, and praying for liberty to build the same, and to be incorporated for that purpose:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Abbot and John White, Esquires, Joseph Stevens, merchant, and Ebenezer Poor, yeoman, with such other persons as have with them associated, as aforesaid, and all those who may hereafter become Proprietors in the said bridge, be, and they hereby are made and constituted a Corporation and Body Politic for the purpose aforesaid, by the name of The Proprietors of Andover Bridge; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.*

Proprietors of  
the bridge in-  
corporated.

— to do and  
suffer.

Common seal.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Samuel Abbot, John White, and Joseph Stevens, or any two of them, may, by advertisement in the Independent Chronicle, or Effex Journal, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place after five days from the first publication of the said advertisement: And the Proprietors, by a vote of the majority of those present, or represented at the said meeting, accounting and allowing one vote to each single share in all cases, provided, That no one Proprietor shall be allowed more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of his said office, and shall also agree on a method for calling future meetings; and at the same or any subsequent meeting may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation of said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding forty shillings: Provided the said rules and by-laws are not repugnant*

— empowered  
to call meet-  
ings,

elect officers,  
and establish  
rules, &c.

Proviso.

to

to the Constitution or laws of this Commonwealth. And all representations at any meetings of the said Corporation shall be proved by writing, signed by the person to be represented, which shall be filed with the Clerk. And this Act, and all rules, by-laws, regulations and proceedings of the said Corporation shall be fairly and truly recorded by the Clerk in a book or books to be provided and kept for that purpose.

Permitted to build a bridge. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby permitted and allowed to erect a bridge over *Merrimack River*, from *Andover* aforesaid to *Methuen* aforesaid at said *Bodwell's Falls*.

Shares transferable. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the share or shares of any Proprietor in said bridge may be transferred by deed, acknowledged and recorded by the Clerk of said Proprietors in a book to be kept for that purpose: and when any share or shares in said bridge shall be attached as the property of any of the said Proprietors, on *mesne process*, an attested copy of said process shall be left with the Clerk of the said Proprietors at the time of such attachment; otherwise the same shall be void.

A toll established. — rates of. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors the money by them to be expended in building and supporting the said bridge, a toll be, and hereby is granted and established, for the sole use and benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *two thirds of a penny*; for each horse and rider, *two pence*; for each horse and chaise, chair or sulkey, *six pence*; for each riding sleigh, drawn by more than one horse, *six pence*; for each coach, chariot, phaeton, or other four-wheeled carriage for passengers, *one shilling*; for each curricule, *eight pence*; for each cart, sled, sleigh, or other carriage of burthen drawn by one beast, *four pence*; for each waggon, cart, sled, sleigh, or other carriage of burthen drawn by two beasts, *six pence*; for each waggon, cart, or other carriage of burthen, drawn by three beasts or more, *nine pence*; for each horse, or neat cattle, exclusive of those rode or in carriages, *one penny* each; for sheep and swine, at the rate of *four pence* for each dozen; and to each team, one person and no more shall be allowed as a driver to pass free of toll: And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue to said Proprietors and their heirs and assigns for the term of fifty years, then to be delivered up to the Commonwealth in good repair; and said bridge shall be kept in good, safe and passable repair, during the whole of said term; and also at the place where the toll shall be received, there shall

The commencement & continuation. Bridge to be kept in good repair.



shall be erected and constantly exposed to open view, a sign or Sign-board e-board, with the rates of toll of all the tollable articles fairly rected. and legibly written thereon in large or capital letters.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said bridge be built with suitable materials, at least twenty-eight feet wide, and well covered with plank, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said bridge : And that there be an arch or arches sufficiently wide for the passage of rafts, the widest of which arches shall be laid over the channel of the river, and shall be one hundred and ten feet wide at least. Method, dimensions and materials.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Judges of the Court of Common Pleas for the county of *Essex* shall, on application made therefor, after due notice to all concerned, inquire and determine whether any compensation ought to be made to *John Marston*, who has exhibited a claim to a ferry, which is one mile and three-quarters of a mile below said *Bodwell's Falls* ; and if they shall judge that the said *Marston* is entitled to any compensation, they shall determine what sum is due on the claim aforesaid ; and the Proprietors aforesaid shall pay the same to the said *Marston*, within the term of one year after the said bridge shall be opened for passengers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the Proprietors aforesaid, at their own expense, shall provide and open roads from said bridge to roads which are already laid open and well prepared, leading from said bridge to the towns of *Salem* and *Boston*. Proprietors to open roads.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect for the space of three years from the passing this Act, to build said bridge, then this Act shall be void and of none effect. Act to be void in case of neglect.

[This Act passed March 19, 1793.]

An ACT to annex a certain Gore of Land, lying on each side *North River*, so called, between the Towns of *Shelburne* and *Charlemont*, in the County of *Hampshire*, to the said Towns of *Shelburne* and *Charlemont*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after passing this Act, all that tract of land lying between the town of *Charlemont*, in the county of *Hampshire*, and *North River*, so called, not before incorporated to the middle thereof, with the inhabitants thereon, shall be annexed to the town of *Charlemont* ; and all that tract of land lying between the town of *Shelburne* and the Tracts of land to be annexed to Charlemont and Shelburne.

the said river, not before incorporated into the middle thereof, with the inhabitants thereon, shall be annexed to the town of *Shelburne*, there to be taxed, do duty, and receive privileges, as other inhabitants and lands belonging to said towns of *Shelburne* and *Charlemont*.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the towns of *Shelburne* and *Charlemont* aforesaid shall, from and after the passing this Act, build, and forever after maintain a bridge across the river aforesaid, in equal shares.

SECT. 3. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That for the encouragement of the aforesaid towns building and maintaining said bridge, there shall be allowed and paid out of the treasury of the county of *Hampshire*, the sum of *forty pounds* to the towns of *Charlemont* and *Shelburne* aforesaid, in equal shares.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Justices of the Court of General Sessions of the Peace for the county of *Hampshire*, are hereby authorized and empowered to assess the aforesaid sum of *forty pounds* on the inhabitants of the county aforesaid, in the same way and manner as they are authorized by law to assess other county taxes.

SECT. 5. *And be it further enacted,* That there be allowed and paid out of the treasury of this Commonwealth the sum of *twenty-three pounds thirteen shillings and two pence*, it being the principal, with the interest for which said gore of land was sold by this Commonwealth; and that his Excellency the Governor, with the advice of Council, be, and he hereby is requested to issue his warrant on the treasury, for the sum of *twenty-three pounds thirteen shillings and two pence*, for the purposes aforesaid, to be paid to the Treasurers of the respective towns of *Shelburne* and *Charlemont*, in equal proportions.

[This Act passed *March 19, 1793.*]

An ACT empowering *John Langdon* to erect a Bridge over Part of the River *Piscataqua*, in the County of *York*.

WHEREAS a bridge from the main shore in *Kittery* to the island called *Langdon's Island*, in *Kittery*, will be of public utility :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *John Langdon*, of *Portsmouth*, in the county of *Rockingham*, and State of *New-Hampshire*, Esquire, be, and he hereby is empowered and authorized to erect a bridge, over the part of *Piscataqua River*, which lies between the main shore of *Kittery*, and the island in said river called *Piscataqua River*, commonly

commonly called *Langdon's Island* ; and that the fee of the said bridge shall be in the said *Langdon*, his heirs and assigns forever, on condition that the same be kept in good repair : *Provided*, That after the expiration of fifty years the Com- Proviso.  
monwealth shall have the authority to regulate the toll thereof.

SECT. 2. *And be it further enacted*, That there be granted and allowed unto the said *John Langdon*, his heirs and assigns, the following tolls, viz. For every single person, *one cent* ; Toll granted.  
for every single horse and rider, *three cents* ; for each carriage drawn by one horse, *ten cents* ; for each four-wheel carriage, drawn by two horses, *thirteen cents* ; for each cart, sled or sleigh, drawn by one beast, *eight cents* ; for each waggon, cart, sled or sleigh, drawn by more than one beast, *thirteen cents* ; for sheep and swine, *six cents* per dozen ; for neat cattle, *one cent* each.

SECT. 3. *Provided*, The said *John Langdon* shall give and Proviso.  
grant unto *Alexander Rice*, of said *Kittery*, innholder, and to his heirs and assigns forever, the exclusive right and privilege to keep a ferry from the same island to *Portsmouth*, in the same way and manner as he now improves the said ferry from his shore in *Kittery* ; and shall build and maintain for the said *Rice* a wharf and ferry-way at the upper part of the said island, in the most convenient place for a ferry to be kept ; and shall grant the said *Rice*, his heirs and assigns, as aforesaid, a lot of land, sixty feet square, adjoining said wharf or ferry-ways, sufficient to build a house to accommodate the ferryman and passengers from the inclemency of the weather, which privilege of the ferry, wharf-way and lot for a house as aforesaid, shall be and remain to the said *Rice*, his heirs and assigns forever, on account of the loss they sustain by building the bridge aforesaid ; and if the said *Alexander* cannot agree with the said *John*, by arbitration or otherwise, respecting a full compensation for the loss aforesaid, it shall be in the power of the Court of Common Pleas in and for said county of *York*, upon application of said *Alexander*, after due notice to said *John*, to adjudge and determine what further damages shall be paid him the said *Alexander*, by the said *John*, therefor : *Provided also*, That if the said *John Langdon*, his heirs and assigns, as aforesaid, shall unnecessarily neglect to keep said bridge in good repair, his or their right, title and interest in the same bridge, and all immunities and privileges granted by this Act, shall cease and determine, and all the privileges of said bridge shall revert to the Commonwealth.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said *Alexander Rice*, and all persons actually employed by him, his heirs and assigns forever (for the purpose of keeping and attending the ferry as aforesaid) shall have liberty to pass and repass the said bridge toll free. Certain persons  
may pass toll  
free.

SECT.

Ferry to be regulated by the Court of Sessions. SECT. 5. *And be it further enacted,* That the said ferry and rates of ferryage shall be regulated by the Court of General Sessions of the Peace for the county of *York*.

SECT. 6. *And be it further enacted,* That the said *John Langdon* shall be allowed the space of three years, and no longer, to erect said bridge, and that if the same shall not be erected within that space of time, from the passing this Act, then this Act shall be void.

Act to be void in case.

SECT. 7. *And be it further enacted,* That at the place where the toll shall be received, there shall be erected by the said *John Langdon*, and exposed to open view constantly, a board or sign, with the rates of toll, and of all the tollable articles, fairly and legibly written thereon, in large or capital letters; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open.

Sign-board exposed.

[This Act passed *March 22, 1793.*]

Additional Act, Feb. 26, 1794.

An ACT to incorporate a Number of the Inhabitants of the Towns of *Rochester* and *Middleborough*, in the County of *Plymouth*, and of *Freetown*, in the County of *Bristol*, into a separate Precinct, by the Name of *The Congregational Precinct in Rochester, Middleborough and Freetown.*

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the third parish in *Rochester*, and sundry inhabitants of the first precinct in *Rochester*, of the first and second precinct in *Middleborough*, and of the town of *Freetown*, being all those who are or shall be comprehended within the following limits, to wit: Beginning in the town-line between *New-Bedford* and *Rochester*, betwixt the houses of *Thomas Allen* and *Barnabas Hammett*; thence running in the highway, as it now runs to *Jonathan Bates's* dwelling-house; thence on a straight line to *Samuel Rider's* dwelling-house; thence on a straight line to *Seth Briggs's* dwelling-house; thence east from said *Briggs's* dwelling-house, to *Wareham* line; thence northerly in *Wareham* line, until it comes to *Carver* line; thence still northerly, in the line of *Carver*, until it extends so far north as that a due west line will strike the northern line of *Nehemiah Bennett's* homestead; thence from the line of *Carver*, in said due west course, until it comes to the north-east corner of said *Bennett's* homestead; thence in the line of said *Bennett's* land, to the north-west corner thereof, at *Pockysbire Pond*; thence on a straight line across *Ajwawampset Pond*, in such a course as to strike the dividing line between the lands of *Nathaniel Foster* and *Ebenezer Briggs*;

*Briggs* ; thence to follow the said line between the said *Foster's* and *Briggs's* land, until it comes to the long pond ; thence southerly up the said long pond, in such a course as to strike the line between the thirty-five acre lots, in *Pocasset* purchase, (so called) and the *Bolton* cedar swamp-lots, in said purchase ; thence southerly in the line between said lots to the line of *New-Bedford* ; thence in said *New-Bedford* line, to the first mentioned bound, with their families and estates, be, and they hereby are incorporated into a separate precinct, by the name of *The Congregational Precinct in Rochester, Middleborough and Freetown*, with all the powers, privileges, immunities, duties and obligations which other precincts in this Commonwealth are entitled or subjected to by law.

Congregational  
precinct incor-  
porated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That for the accommodation of any person or persons who may, by their situation upon the lines aforesaid, be exposed to a division of their homestead estate, and to taxation therefor, in different precincts, in all such cases the whole of the homestead estate of such persons respectively, shall be considered as belonging to the precinct which may include the dwelling-house and polls of such persons : *Provided however,* That the aforesaid *Jonathan Bates*, and his homestead estate, shall be considered as belonging to the said new precinct, by this Act incorporated ; and the aforesaid *Seth Briggs* and *Samuel Rider*, and their homesteads, shall be considered as belonging to the first precinct in *Rochester*.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any persons heretofore belonging to the first precinct in *Middleborough*, who shall now fall within the lines of the Congregational precinct, by this Act established, and who shall be desirous still to belong to the said first precinct in *Middleborough*, shall, upon certifying such their desire, in writing, to the Clerk of said Congregational precinct, at any time within three months after the passing of this Act, be considered as belonging with their homestead estates to the said first precinct in *Middleborough*.

Persons desir-  
ous, by giving  
notice, may  
leave said pre-  
cinct.

And whereas the third parish in *Rochester* is by this Act discontinued, and it is necessary that some provision should be made respecting the parochial concerns of said parish :

Preamble.

SECT. 4. *Be it enacted by the authority aforesaid,* That for the management and settlement of said parochial concerns, the said third parish in *Rochester* shall have existence and continuance for one year next following the date of this Act ; and any meetings of said parish, duly warned and held, and any proceedings therein or thereupon, respecting the debts, credits, assessments, or other pecuniary concerns of said parish, shall be valid and effectual, in the same manner as if this Act had not been passed.

Third parish in  
Rochester to  
continue one  
year longer.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,*  
 N. Morton to issue his warrant. That Nathaniel Morton, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal inhabitant within the said new *Congregational Precinct in Rochester, Middleborough and Freetown*, requiring him to warn the inhabitants of said precinct, qualified by law to vote in precinct meetings, to assemble at some suitable time and place, in said precinct, to choose such officers as precincts are by law empowered to choose in the month of *March* or *April*, annually, and to transact all matters and things necessary and lawful to be done in the said precinct.

[This Act passed *March 22, 1793.*]

June 17, 1791. An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of opening a Canal from the head of *New-Meadow River* to *Merry-Meeting Bay*."

Preamble. WHEREAS the Proprietors mentioned in the Act to which this is an addition, have at considerable expense opened a Canal from *New-Meadow River* to the waters of the river *Kennebeck*, a little below *Merry-Meeting Bay*, at a place called *Welchs's Creek*; it having been found impracticable to open a Canal directly to the bay aforesaid, by reason of rocks and other obstructions: And whereas it is represented to this Court, that a Canal from *New-Meadow River* to *Kennebeck River*, at said *Welchs's Creek*, will accommodate the public:

Proprietors authorized. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors mentioned in the Act to which this is an addition, and their associates, be, and hereby are authorized and empowered to open, and keep open a Canal from the head of New-Meadow River to Kennebeck River, at the place called Welchs's Creek, a little below Merry-Meeting Bay; and the said Proprietors shall possess and enjoy all the rights and privileges, under the same limitations and restrictions made and provided in the Act to which this is an addition; the particular course of the said Canal therein described notwithstanding.*

[This Act passed *March 22, 1793.*]

An ACT to incorporate certain Persons to manage the Funds of the First Congregational Society in *Taunton*, in the County of *Bristol*.

Preamble. WHEREAS the first Congregational Society in the town of *Taunton* have petitioned the Legislature for an Act of incorporation, therein appointing and authorizing certain persons

persons as Trustees, to sell the real estate belonging to said Society, and the net proceeds thereof, with the other monies of said Society, to fund for the purposes of supporting a Congregational teacher of piety, religion and morality :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *James Williams, Samuel Fales, and Samuel Leonard, Esq's.* Messrs. *Ebenezer Dean, Job Godfrey, Joseph Dean, and Jonathan Ingley, jun.* be, and they hereby are appointed and authorized Trustees of said Society, to receive, take, and hold in trust for said Society, and to manage for the purpose of supporting a public Congregational teacher of piety, religion and morality in said Society, until other Trustees shall be appointed in their stead, all and singular the grants, donations and estates, whether real or personal, to which the said Society is, or shall be entitled during the continuance in office of the said Trustees.

Trustees appointed and authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for said Society, at any time after the passing this Act, if they see cause, by their Trustees or otherwise, to make sale of all or part of any lands holden by said Society as parsonage lands, and the net proceeds thereof to vest in the hands of said Trustees, to fund and manage for said Society, as in this Act is hereafter provided and directed.

— empowered to sell lands.

And whereas said Society have contemplated the building a Preamble. new meeting-house, by the sale of pews therein, when built :

SECT. 3. *Be it further enacted by the authority aforesaid,* That the surplus of money more than sufficient for building and finishing the said meeting-house, if any there be, arising from the sale of the pews aforesaid, shall be lodged in the hands of said Trustees, in trust for said Society, for the purpose of maintaining such teacher ; and if it shall appear that the funds of said Society, together with the rents and profits of any estate, real or personal, holden by said Society in their corporate capacity, produce an income more than sufficient to maintain said teacher, and for defraying other incidental charges, arising within said Corporation, then such surplus shall be appropriated to the use and benefit, and for the purpose of maintaining a free school in said Society ; *provided* the income of all such estates, of every kind, shall at no time exceed the annual income of *six hundred pounds.*

Monies committed to the care of Trustees.

—, how appropriated.

Provido.

SECT. 4. *And be it further enacted by the authority aforesaid,* That said Society shall annually, in the month of *March* or *April*, at a legal meeting of said Society, to be holden within the same, appoint and authorize seven meet persons, belonging to said Society, as Trustees, who being duly sworn before a Justice of the Peace, to the faithful discharge of their trust, according to their best ability, shall be the Trustees of said Society, and successors

Trustees annually appointed

successors of the Trustees herein before appointed; and shall have authority, and shall require, receive, take, hold and manage for said Society, in trust, and for the purposes aforesaid, all and singular the said monies, donations, purchases, and all other the estate, both real and personal, of the said Society. And the said Trustees, as well those herein appointed, as those who shall be appointed and authorized, in manner aforesaid, shall <sup>empowered.</sup> have power to let to interest, upon public or private credit, as to them shall seem best; and from time to time to call in, demand and recover any monies belonging, or which shall belong to said Society, as aforesaid; and also to let to farm, and otherwise in their discretion, to improve and manage all other the estate of said Society, whether real or personal, which shall be by said Trustees received as aforesaid; and shall be allowed all reasonable disbursements, expenses and losses which shall and may unavoidably or reasonably happen and arise in due execution and performance of their said trust: And the said Trustees shall, at the annual meeting aforesaid, lay before said Society a full statement, in writing, of all and singular the monies, effects, credits and estate of the said Society, in the hands of said Trustees, and of all disbursements, expenses and losses which shall have happened or arisen in the execution of their said trust. And no sale of any land or other real estate belonging to said Society, and no purchase of any real estate, to be made by any monies, or received in exchange, unless upon mortgage for money lent, being a collateral security, shall be valid and effectual to pass or hold such lands or tenements, unless such sale or purchase shall be ordered, made or accepted by the vote or agreement of said Society, at a legal meeting to be called and holden for that purpose, and with the consent and concurrence of a majority of the said Trustees, for the time being.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the Trustees to be chosen by said Society, as successors to those named in this Act, shall be chosen and appointed at their meeting in the month of *March* or *April*, which will be in the year of our Lord one thousand seven hundred and ninety-four, at which time the offices of the Trustees, named in this Act, shall expire, unless re-chosen by said Society, at such meeting.

[This Act passed March 22, 1793.]

AN



An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, between the Towns of *Haverhill* and *Bradford* in the County of *Essex*, and for supporting the same.

**W**HEREAS a bridge over *Merrimack River* between the towns of *Haverhill* and *Bradford* in the county of *Essex* would be of public convenience: And whereas *Samuel White*, Esq. and others have presented a petition to this Court, setting forth that they, with divers other persons, have associated for the purpose of building said bridge, and praying for liberty to build the same, and to be incorporated for that purpose:

**SECT. 1.** *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel White and Nathaniel Saltonstall, Esquires, Messieurs Daniel Appleton, James Duncan, jun. Samuel Walker, Daniel Hardy, Nathaniel Thurston, Francis Kimball, Edmund Kimball, jun. and William Cranch, with such other persons as have associated with them as aforesaid, and all those who may hereafter become Proprietors in said bridge, be, and they are hereby made and constituted a Corporation and Body Politic for the purpose aforesaid, by the name of The Proprietors of the Haverhill Bridge, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which bodies politic may or ought to do or suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.*

**SECT. 2.** *And be it further enacted by the authority aforesaid, That the said Samuel White, Daniel Appleton, and James Duncan, jun. or any two of them may, by advertisement in the Essex Journal, and by posting up an advertisement in the towns of Haverhill and Bradford respectively, warn or call a meeting of the said Proprietors, to be holden at any suitable place and time after six days from the first publication and posting up of said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at said meeting, (accounting and allowing one vote to each single share in all cases,) shall choose a Clerk, who shall be sworn to the faithful discharge of the duty of his said office, and shall also agree on a method of calling future meetings; and at the same or any subsequent meetings may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding three pounds: Provided the said*

Additional Acts, Feb. 12, 1794, Feb. 7, 1797, June 21, 1799.

*Note.*—In the Act of Feb. 7, 1797, there is a misrecital of the title of the original Act. The title of the Act incorporating *Essex Merrimack Bridge* is recited; but the provision made refers to *Haverhill Bridge*, only.

Proprietors of the bridge incorporated.

— may do and suffer.

Common seal.

Persons authorized to call a meeting;

to elect officers, and establish rules.

Provide.

rules

rules and by-laws be not repugnant to the Constitution or laws of this Commonwealth. And all representations at any meetings of the said Corporation shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk. And this Act, and all rules and by-laws, regulations, votes and proceedings of said Corporation, shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose.

**Place where the bridge is to be built.** SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby permitted to erect a bridge over *Merrimack River*, from the town's landing-place and public highway in *Haverhill* aforesaid, between land of *Samuel White*, Esq. and land late of *Isaac Osgood*, Esq. deceased, to land of *Samuel Trask* or *Edmund Kimball*, in *Bradford* aforesaid.

**Proprietors empowered to purchase.** SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby authorized and empowered to purchase any real estate they may think it necessary or convenient to purchase for effecting the purpose aforesaid, to the amount of *one thousand pounds*, and to hold the same in fee simple : And that the share or shares of any Proprietor in said real estate and bridge, may be transferred by deed, acknowledged and recorded by the Clerk of said Proprietors, in a book to be kept for that purpose : And when any share or shares in said bridge and estate shall be attached on *mesne process*, as the property of any of said Proprietors, an attested copy of such process shall be left with the Clerk of said Proprietors, at the time of such attachment ; otherwise the same shall be void.

**Shares transferable.**

**Toll established.** SECT. 5. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors the monies by them expended or to be expended in building and supporting the said bridge, a toll be, and hereby is granted and established, for the sole benefit of the said Proprietors, according to the rates following, viz.—For each foot passenger, *two thirds of a penny* ; for each person and horse, *three pence* ; for each wheelbarrow, hand-cart or other vehicle, capable of carrying like weight, *two pence* ; for each horse and chaise, chair or sulkey, *eight pence* ; for each riding sley, drawn by one horse, *six pence* ; for each riding sley, drawn by more than one horse, *nine pence* ; for each coach, chariot, phaeton, or other four-wheeled carriage for passengers, *one shilling and six pence* ; for each curricule, *one shilling* ; for each cart, sled, sley, or other carriage of burthen, drawn by one beast, *six pence* ; for each waggon, cart, sled, sley or other carriage of burthen, drawn by more than one beast, and not more than four beasts, *nine pence* ; for each waggon, cart, sled, sley, or other carriage of burthen, drawn by more than four beasts, at the rate of

two

*two pence* for each beast ; for each horse or neat cattle, other than those rode, or in carriages, *two pence* ; for each sheep or swine, *two thirds of a penny* ; and to each team one person only shall be allowed as a driver, to pass free of toll : And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open : And the said toll shall commence on the day of the first opening of said bridge for passengers, and shall continue to the said Proprietors, their heirs and assigns, for the term of fifty years, and after said term to be delivered up to the use of the Commonwealth, in good repair.

Commence-  
ment and dura-  
tion of the toll.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said bridge shall be thirty feet wide ; that there shall be one arch, at least one hundred and forty feet long, over a good depth of water, the crown of which arch shall be twenty-seven feet above common high-water ; that there shall be a convenient draw or passage-way for vessels, at least thirty feet wide, which shall be opened without toll, at all times, on demand, for vessels which cannot pass under said bridge ; that the said bridge shall be covered on the top with plank or timber, and that the sides be boarded up two feet high, and be railed for the security of passengers, four feet high at the least ; and said bridge shall at all times be kept in good, safe and passable repair, and that said bridge shall be furnished with at least four good lamps, which shall be well supplied with oil, and kept burning through the night ; one of which shall be on each side of the middle of the great arch, and one at each end of said bridge.

Width of the  
bridge.

An arch to be  
erected, and a  
draw for the  
passing of ves-  
sels free of toll.

Bridge to be  
kept in good  
repair ;—with  
lamps, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That within one year after the said bridge shall be opened for passengers, the said Proprietors shall pay to *Samuel Chadwick*, such sum or sums of money as shall be awarded to him by three indifferent men, mutually chosen by the parties, as a full compensation for any injury sustained by him, by the erecting of said bridge ; and in case of the refusal of either of the parties aforesaid to appoint such referees, the Judges of the Court of Common Pleas, for the county of *Essex*, shall ascertain and adjudge said compensation, after due notice to all concerned.

Compensation  
to be made to  
*Samuel Chad-  
wick*.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect, for the space of six years from the passing of this Act, to build said bridge, then this Act shall be void.

Act to be void  
in case.

[This Act passed March 22, 1793.]

An

An ACT for securing the Growth of Wood and Timber in a certain Tract of Woodland, situate in the Towns of *Ipswich*, *Gloucester*, *Wenham*, *Beverly* and *Manchester*.

**W**HEREAS there is a large and valuable tract of woodland in the towns aforesaid, bounded as follows, viz.

**Boundaries of woodland.** Beginning at the line between *Ipswich* and *Gloucester*, by land improved by *Nathaniel Greaton*; thence westerly, by improved land of said *Greaton* and others, to *Joseph Marshall's* improved land; from thence by *Mark Burnham's* improved land and land of others to *Chebacco Pond*; thence southerly on the south-east side of said pond to a wall fence, and with the fence to *Gravel Pond*; thence on the north-west side of said pond to a brook, and on said brook to *Round Pond*; thence on the north-west side of said pond to a wall fence; thence by said wall fence to land of *Malachi Knowlton*, and to *Dodge's Pond*; then southerly by said pond to a brook called *Allitrap*; thence on said brook, near to *Nehemiah Preston's* corner; thence from said *Preston's* corner as the fence stands to *John Peirce's* corner; thence on improved land of said *Peirce*, *Standly*, *James Woodbury's* heirs, and others, to land formerly belonging to *John Morse*; from thence northerly on improved land to the Commoner's land of *Manchester*; thence on improved land to the sheep-pasture of the heirs of *Samuel Lee*; and thence easterly on improved land of the said heirs and others to *Beaver Dam*; thence on improved land of *Andrew Woodbury*, *Isaac Lee*, and others, to the line between *Manchester* and *Gloucester*; thence on said line southward, to the sea; thence by the sea, to the Cut in *Gloucester*; thence by *Annasquam River*, to the sea; thence by the sea, to *Chebacco River*; thence by the said river to the line between *Gloucester* and *Ipswich*; thence by said line to *Greaton's* land, the bounds first mentioned:

**Preamble.** And whereas the growth of wood and timber in the same tract of woodland, and which cannot be conveniently or profitably inclosed with a sufficient fence, is almost wholly destroyed by horses, cattle and sheep going and feeding therein, to the great damage, not only of the Proprietors, but of the inhabitants of said towns in general; for the prevention whereof,

**SECT. I.** *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the said tract of woodland shall have liberty to improve and manage the same, in the form and manner in which the Proprietors of common and general fields do, and may by law manage the same; and shall have the like powers and authority for the future management of said tract of woodland, and more especially at any meeting to be duly convened, to

**Proprietors allowed to improve and manage the same.**

appoint

appoint field-drivers or agents to protect the wood growing thereon from damage. And *Daniel Giddings, James Patch, William Tuck, and Samuel Whittemore*, or any two of them, are hereby authorized to call the first meeting of the said Proprietors, at such time and place as they shall think convenient, giving notice thereof in writing posted in some public place in the several towns aforesaid, and by an advertisement in the *Salem Gazette*, at least fourteen days previous to such meeting : And at such first meeting the said Proprietors shall agree upon the manner of notifying meetings in future ; and in all meetings of the Proprietors their several votes shall be recorded according to the majority of the interest of the Proprietors present.

Persons authorized to call a meeting, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of *April* next, no horses, neat cattle or sheep shall be allowed to go at large, or feed in the tract of woodland aforesaid ; and if any person or persons shall turn or drive any horse, mare, neat cattle or sheep into the same tract of woodland, he or they shall forfeit and pay to the use of said Proprietors, *five shillings* a head for neat cattle, and for each horse or mare ; and *one shilling* a head for each sheep so turned or driven into the same woodland, to be paid or recovered as is hereinafter mentioned.

Beasts prohibited from going at large.

SECT. 3. *And be it further enacted,* That if any one of the said Proprietors, or any field-driver or agent duly appointed by them, shall find any cattle, horse-kind or sheep, going or feeding in said woodland, it shall be lawful for him to impound the same, and give public notice thereof in the town in which such beast shall be taken, and in the next adjoining town, and shall relieve such beast while in pound with suitable meat and water ; and when the owners thereof shall appear and demand a delivery of the same from the pound, he shall pay all damages, costs and expenses occasioned by the same beast in said woodland, and by the impounding thereof, to be ascertained by three appraisers, one to be appointed by the owner, one by the party impounding, and the third by the two first appointed ; and if no owner shall appear within the space of ten days to redeem said beast so impounded, appoint one of said appraisers, and pay said sums, then the Proprietors or field-driver who impounded the same beast shall cause the same to be sold at public vendue for the payment of said damages, costs, penalties and expenses ; public notice of the time and place of sale being given forty-eight hours beforehand by posting up an advertisement in some public place in each of the said towns ; and the overplus, if any there be, arising from such sale, to be returned to the owner, on demand, to be made within one year from the time of sale ; and if no owner shall appear in that time, then the said overplus shall be paid to the poor of said town ; and wherever any owner shall

Subjects to be impounded.

Owners to pay costs.

To be sold in case no owner appears.

refuse

refuse or neglect to appoint one of the appraisers as aforesaid, it shall be lawful for any Justice of the Peace in the county of *Essex* to appoint such appraiser.

Term of continuance of this Act.

This Act to continue and be in force for the term of ten years from the passing thereof, and no longer.

[This Act passed March 26, 1793.]

An ACT granting Liberty to the Proprietors of *Saco Bridges*, so called, over *Saco River*, in the County of *York*, to continue the same, and for regulating the Toll for passing the same.

Preamble.

**W**HEREAS certain persons have, at their own private cost and charge, erected two bridges over *Saco River*, one from *Biddeford* to *Indian Island*, and the other from *Indian Island* to the shore in *Pepperelborough*, in the county of *York*, which, under due regulations, may be of public utility; and it is but just that the Proprietors thereof should be reimbursed the expense they have been and may be at in the building and keeping the same in good repair:

A toll granted.

—, rates of.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the purpose of reimbursing the Proprietors of said bridges, their heirs, associates and assigns, the monies expended or to be expended in building and supporting the same, a toll be and hereby is granted to the present Proprietors of said bridges, their heirs, associates and assigns, and for their sole benefit, according to the rates following, to continue till the further order of the General Court: For each foot passenger, two cents; for each person and horse, six cents; for every cart, sled or sleigh, drawn by one horse, ten cents; for every cart, waggon, sled or sleigh, drawn by two or more horses, twelve and a half cents; for every chaise or chair, drawn by one horse, with the riders, fifteen cents; for every horse and sulkey, with the rider, twelve and a half cents; for every chaise drawn by two horses, with the passengers, twenty cents; for each coach, chariot, phaeton or curricule, including passengers, twenty-five cents; for each cart or sled drawn by two oxen, ten cents; for every cart or sled drawn by four or more oxen, twelve and a half cents; for all neat cattle, one cent each; for each dozen of sheep or swine, two cents, and so in proportion for a greater or less number: And in all cases the same toll shall be paid for all carriages and vehicles passing said bridges, whether the same be loaded or not loaded; and to each team one man and no more shall be allowed as a driver, to pass free from payment of toll; and the toll-gatherer shall not be obliged, at any time, to open the gates for*

for any passenger, till he or she has paid the rate of toll; and at all times when the toll-gatherer shall not attend his duty, the gate shall be left open. And if any person shall receive or demand any greater toll, in any case, than is stated by this Act, or shall hinder or attempt to hinder any person from passing said bridges, or either of them, with his horse or horses, cattle or carriage, sled or sleigh, sheep or swine, upon paying or offering to pay the toll hereby established, he shall forfeit the sum of *four pounds*, to be recovered, with costs, before any Justice of the Peace in the said county of *York*, by any person from whom such greater toll shall be received or demanded, or by any person so hindered or attempted to be hindered from passing, as the case may be. And said Proprietors shall put, and constantly keep up, at the place where the toll shall be received, a sign-board, on which shall be painted in large, fair and legible characters, the several rates of toll established by this Act; otherwise they shall not be entitled to receive the same: And said toll shall be no longer demanded than while the said Proprietors shall keep said bridges in good repair.

Forfeiture.

Sign-board exposed to view.

[This Act passed *March 26, 1793.*]

An ACT permitting the Inhabitants of that Part of the Town of *Wareham*, which was formerly Part of *Rocheſter*, to take Alewives with Seines or Drag-Nets, at a Place called the *Narrows*, in *Wareham River*, on a certain Day in each Week.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any inhabitant of that part of the town of *Wareham*, which was formerly part of *Rocheſter*, be, and they are hereby allowed and permitted to take for their own use, with one seine or drag-net only, the fish called alewives, at a place called the *Narrows*, in *Wareham River*, on the west side thereof, and to the northward of *Nathan Bassett's* now dwelling-house, one half day in each week, from sun-rising until twelve of the clock on every Monday, and at no other time; any law or usage to the contrary notwithstanding.

Inhabitants allowed to catch fish in limited hours.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no person or persons, inhabitants as aforesaid, shall sell or dispose of any of said fish, caught as aforesaid, to any person or persons not inhabitants as aforesaid.

Prohibited from selling.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if upon complaint made before any Justice of the Peace for the county of *Plymouth*, any person or persons shall be convicted

victed

Forfeiture in case of breach. victed of a breach of this Act, he shall forfeit and pay, for every such offence, a fine of *four pounds*; one half thereof to the complainant, and the other half thereof to the poor of the town of *Wareham*.

[This Act passed *March 26, 1793*.]

An ACT in addition to an Act passed the fourth Day of *March*, One thousand seven hundred and ninety, entitled, “An Act to regulate the catching of Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack River*, and in the other Streams running into the same, within this Commonwealth.”

Preamble.

**W**HEREAS it is found by experience that the catching of fish at or near the mouth of the rivers and streams emptying into *Merrimack River*, within the town of *Andover*, greatly obstruct and impede fish entering and passing up said rivers and streams: Therefore,

Boundaries for catching fish.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person or persons shall, after passing this Act, be allowed to catch Salmon, Shad or Alewives, or drag any seine, or set any net, pot or other machine, for the purpose of taking or catching said fish, or any otherways obstruct said fish in their passage, within fifty rods below, or twenty rods above the mouth of any river or stream in the town of Andover, emptying into Merrimack River aforesaid, nor draw any seine for catching of alewives, between the mouths of Shawsheen River and Cochecho Brook, on penalty of four pounds; and the seine, net, pot, or other machine so used, to be forfeited; and the fine aforesaid to be recovered and applied in the same manner as the fines are for the breach of the Act to which this is an addition.*

Penalty.

[This Act passed *March 27, 1793*.]

An ACT for establishing the Dividing Line between the Towns of *Holden* and *Paxton*, in the County of *Worcester*.

Preamble.

**W**HEREAS some disputes have arisen between the towns of *Holden* and *Paxton*, with respect to the line dividing said towns: Therefore,

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line hereafter described shall be considered as the dividing line between the town of Holden and the town of Paxton, viz.—Beginning at a stake and stones, on the most westerly line of the*



the two lines which occasioned said dispute, being the south-easterly corner of the farm of *John Hesselnden, Esq.* and is a corner of the towns of *Rutland* and of said *Paxton*; thence running southerly on said westerly line until it comes to a large chefnut tree with stones about it, standing in the original north line of the town of *Leicester*, eleven rods westerly of *Ward's* line, so called; thence turning an angle and running easterly on said original north line of *Leicester*, eleven rods, to a heap of stones on the said *Ward's* line, being the original north-east corner of the said town of *Leicester*; thence southerly, on said *Ward's* line, to a heap of stones, being a corner between the said towns of *Leicester* and *Paxton*.

Boundaries of the dividing line.

[This Act passed *March 27, 1793.*]

## An ACT to incorporate certain Persons by the Name of *The West Congregational Society in Taunton.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *George Godfrey, Nathaniel Briggs, Daniel Burt, Nathan Cobb, George Woodward, Levi Torrey, John Willis, Thomas Hodges, Henry Burt, George Macomber, Peter Walker, James Tisdale, John Briggs, Thomas Burt, jun. Lincoln Porter, Isaac Tubbs, Samuel Porter, jun. Nathan Read, Jonathan Cobb, jun. Daniel Tubbs, Elijah Briggs, Gideon Lincoln, Amaziah Lincoln, Abner Lincoln, Ezra Macomber, Joel Tubbs, Seth Hodges, John Macomber, the third, John Willis, jun. Benjamin Walker, Isaac Burt, Eliakim Walker, Samuel Coddling, jun. James Walker, Ephraim Harvey, Henry Hodges, Samuel Hayward, Nathaniel Willis, Zebina Willis, Abijah Pratt, Zephaniah Hodges, Nathan Cobb, jun. Joseph Hayward, Russell Godfrey, Dean Briggs, Nathaniel Dean, Erns Dean, Elisha Briggs, Elisha Lincoln, John Reed, and Rufus Godfrey,* together with all those who shall join said Society and become members thereof, and unite with them in the same place of worship within the said town of *Taunton*, with their several estates, be, and they are hereby incorporated into a Society, by the name of *The West Congregational Society in Taunton*, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatever.

Persons incorporated.

Name of the Corporation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the members of said Corporation, at any meeting duly warned therefor, shall have power to make and establish all such rules and regulations, appoint such officers for the government of said Society as may be necessary; also to grant such sums of money, and order assessment thereof, or to raise

its powers.

LIBERTY

money by taxing the pews in the meeting-house, or by renting them out annually, as may be necessary for the support of public worship and other incidental charges in said Society.

SECT. 3. *And be it further enacted,* That all male persons who usually assemble with the aforesaid Society for public worship, and qualified according to law to vote in town affairs, may vote in all meetings of said Society.

Exempted from  
paying certain  
taxes.

SECT. 4. *And be it further enacted,* That the several persons in this Act before named, and all others, their associates, being inhabitants of the said town of *Taunton*, and their several estates, shall not be liable to be taxed for the support of public worship in any other Society in the said town of *Taunton*.

Persons be-  
longing to this  
Society, may  
leave it by giv-  
ing notice.

SECT. 5. *And be it further enacted,* That the Clerk of said Society shall keep a fair record of the names of all persons who shall become members thereof; and when any member of said Society shall request a dismission therefrom, and shall signify the same in writing to the said Clerk, such Clerk shall make a record thereof, and such person shall thereupon be dismissed accordingly, but shall be held to pay his proportion of such money as shall have been previously granted by said Society.

Persons admit-  
ted into said  
Society, first  
giving notice,

SECT. 6. *And be it further enacted,* That all those who hereafter shall be desirous of becoming members of said Society, being inhabitants of said town of *Taunton*, and shall signify the same in writing to the Clerk of said town thirty days at least previous to the annual meeting of the inhabitants of said town in the month of *March* or *April*, shall be considered in law as members of said Society: And any person or persons who shall leave any other religious Society in said town of *Taunton*, and join the Society incorporated by this Act, shall be holden to pay all legal taxes previously assessed upon them, and their proportion of the previous debts and charges of the Society which they shall leave as aforesaid.

and paying  
previous taxes.

George God-  
frey to issue a  
warrant.

SECT. 7. *And be it further enacted,* That *George Godfrey, Esq.* be, and he hereby is empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn a meeting thereof, at such time and place as shall therein be set forth; at which meeting the method of calling future meetings shall be determined, conformable to the laws of this Commonwealth.

[This Act passed *March 27, 1793.*]

Additional Act  
March 4, 1800.

An ACT to incorporate certain Persons by the Name  
of *The Trustees of Charlestown Free Schools.*

Preamble.

WHEREAS the education of youth has been ever considered by the wise and good as of the highest consequence to the safety and happiness of a free people; and  
whereas

whereas sundry persons have bequeathed real and personal property to the town of *Charlestown*, the rents and profits thereof to be solely and forever applied to and for the use of the free schools in said town; and whereas many inconveniences have arisen in the present method of executing their generous designs:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Richard Devens, Nathaniel Gorham, Josiah Bartlett, Aaron Putman, Esquires, Joseph Hurd, merchant, Nathaniel Hawkins, and Seth Wyman, gentlemen, all of Charlestown, in the county of Middlesex, be, and they hereby are nominated and appointed Trustees of the Free Schools in said town of Charlestown, and they hereby are incorporated into a Body Politic by the name of The Trustees of Charlestown Free Schools.*

Persons appointed Trustees and incorporated.

SECT. 2. *Be it further enacted by the authority aforesaid, That all the donations which have been given to said town for the use and support of their schools, whether real, personal or mixed, shall be, pursuant to the consent and at the request of said town, had in public town-meeting on the fourth day of March, one thousand seven hundred and ninety-three, and they are hereby confirmed unto the aforesaid Richard Devens and others, and to their successors in said office of Trustees of Charlestown Free Schools, forever, for the sole use and benefit of said schools, agreeably to the true intent and meaning of the donors.*

Donations confirmed to Trustees for the use of the schools.

SECT. 3. *Be it further enacted by the authority aforesaid, That the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of said schools; and they shall have power and authority to break, change and renew the same from time to time as they shall see fit; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of The Trustees of Charlestown Free Schools.*

Common seal.

May sue and be sued.

SECT. 4. *Be it further enacted by the authority aforesaid, That the aforesaid Richard Devens and others, and their successors in said office of Trustees, be the Visitors, Trustees and Governors of the aforesaid Charlestown Free Schools, to be continued in the way and manner following, viz. That the said town of Charlestown, at their annual town-meeting in the month of May, shall have authority to elect by ballot such persons, to the number of seven, as they shall think proper, to the said office of Trustees of Charlestown Free Schools; and that five of said Trustees shall constitute a quorum for doing business; and the major part of the members present shall decide all questions that shall come before them; and that the said Trustees shall have power and authority to elect a President, Treasurer and*

Trustees to be visitors, &c.

How appointed in future.

Secretary,

Empowered to make rules, laws, &c. Secretary, and such other officers as they shall judge necessary and convenient ; but no pecuniary compensation shall be allowed the said Trustees without the consent of said town of *Charlestown* ; and to make and ordain such laws, rules and orders for the good government of said schools, as to them the Trustees, Governors and Visitors aforesaid, and their successors, shall from time to time seem most fit and requisite ; all which shall be observed by the officers and scholars of said school, upon the penalties therein contained : *Provided notwithstanding*, That the said rules, laws and orders be no ways repugnant to the laws of this Commonwealth.

Proviso. SECT. 5. *Be it further enacted by the authority aforesaid*, That the Trustees aforesaid be, and they hereby are rendered capable in law to take and receive by gift, grant, devise or bequest, or otherwise, any lands, tenements or other estate, real and personal, which may in future be granted for the benefit of said *Charlestown Free Schools* : *Provided*, The annual income thereof shall not exceed the sum of *six hundred pounds*, to have and to hold the same under such provisions and limitations as may be expressed in any deed or conveyance to them made by the donor or donors ; and that all deeds and instruments which the said Trustees shall lawfully make, shall, when made in the name of said Trustees, and signed and delivered by the President, and sealed with their common seal, bind the said Trustees and their successors, and be valid in law.

Capable in law of holding estate. Deeds signed and sealed, to be valid.

Proviso. SECT. 6. *Be it further enacted by the authority aforesaid*, That the aforesaid Trustees shall have full power and authority to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Trustees to convene at such meetings ; and the said Trustees shall have full power and authority to determine and prescribe from time to time the powers and duties of their several officers, and to fix and determine the tenures of their respective offices.

Trustees further empowered. SECT. 7. *Be it further enacted by the authority aforesaid*, That the said Trustees shall, at the annual meeting of said town of *Charlestown* in the month of *May*, previous to the election of Trustees, lay before said town the particulars of their proceedings and the state of their funds.

To give a statement. SECT. 8. *Be it further enacted by the authority aforesaid*, That *Richard Devens* be, and he is authorized and empowered to fix the time and place for holding the first meeting of said Trustees, and to certify them thereof.

[This Act passed March 27, 1793.]

An ACT for incorporating certain Lands in the Town of *Dedham*, in the County of *Suffolk*, into a Common Field.

**W**HEREAS *Jacob Penniman*, and others, have petitioned this Court, setting forth that they are Proprietors of a certain tract of meadow land lying in said *Dedham*, known by the name of *Burnt Swamp*, which now lies in common with a large tract of meadow, that is not secured by fence, so as to prevent damage being done by horses and neat cattle, which are frequently found feeding thereon, and praying that the same may be incorporated into a general field, bounded as follows : To begin at the confluence of *Trap-hole Brook* (so called) with *Neponset River* ; thence south-westerly on said brook till it comes to the south-westerly corner of *James Kingsberry's* meadow ; thence northwardly on a line that separates said meadows from the upland, till it comes to the north-westerly corner of the meadow belonging to the heirs of *Isaac Lewis*, deceased ; thence running easterly on the line of the meadow of said heirs, till it comes to the south-westerly corner of *Ebenezer Everett's* meadow ; thence running northerly on the line between said *Ebenezer Everett* and *Asa Everett's* meadow, so on till it comes to the south-westerly corner of *Moses Guild's* meadow ; thence northerly on the line that separates the meadow from the upland, till it comes to the north-westerly corner of said meadow lots ; thence easterly on the line that separates the meadows from the upland, till it comes to the meadow inclosed by *Seth Bullard* and *Andrew Willett* ; thence running southerly about twelve rods to the end of a large ditch ; thence easterly on said ditch, till it comes to *Neponset River* ; thence towards the east on said river, till it comes to the bounds first mentioned :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jacob Penniman*, *Ebenezer Everett*, *Moses Guild*, *Nathaniel Colburn*, *David Fisher*, *William Everett*, jun. *Isaac Lewis*, *Andrew Willett*, *Seth Bullard*, *John Fairbank*, *William Coney*, *William Pettee*, *Benjamin Pettee*, *Simeon Rhoades*, *Samuel Pettee*, *James Kingsberry*, *Ebenezer Fales*, *Abel Allen*, *David Lewis*, *Jonathan Dean*, *Solomon Kingsberry*, and *Abel Everett*, their heirs and successors, be, and they hereby are incorporated as the Proprietors of all the lands included within the lines aforesaid, which lands shall be considered one common and general field ; and the Proprietors and owners of said lands are hereby invested with all the powers and privileges which the Proprietors of general fields by law are invested withal.

[This Act passed March 27, 1793.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Pittston*, in the County of *Lincoln*, into a Parish by the Name of *The Episcopalian Society in Pittston*.

Preamble.

WHEREAS a number of inhabitants of the town of *Pittston* have petitioned this Court to be incorporated for the reasons expressed in their petition, and it appearing to this Court reasonable that the prayer thereof be granted :

Persons incor-  
porated into a  
Society.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jedediah Jewett, William Barker, Henry Smith, Henry Dearborn, Nathaniel Bailey, Seth Gay, Barzillai Ganet, Stephen Jewett, Samuel Lang, Nathaniel Hall, Reuben Moore, Jonathan Redman, James Parker, John Nichols, Daniel Jewett, Benjamin Shaw, Peter Grant, Thomas Town, Cyrus Tallard, Simeon Goodwin, Nathaniel Berry, Thomas Berry, Bartholmew Kimball, Jeremiah Nichols, Andrew Bradstreet, Gideon Gardiner, David Philbrook, Rufus Gay, Jeremiah Wakefield, Gardiner M'Causland, Joseph Bradstreet, Henry M'Causland, jun. Henry Smith, jun. Nathaniel Kimball, and Abraham Fitts, the petitioners, together with their polls and estates, hereby are incorporated into a parish by the name of The Episcopalian Society in Pittston, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law.*

Name of the  
Society.

Persons may  
join or leave,  
by giving no-  
tice.

SECT. 2. *Be it further enacted by the authority aforesaid, That if any other person or persons may incline to join the said Episcopalian Society in said Pittston, by signifying such their desire in writing to the Clerk of the said town of Pittston, he or they shall, with their polls and estates, be considered as belonging to the said Episcopalian Society, in the same manner as though they had signed the said petition; and whenever any person or persons belonging to the Episcopalian Society aforesaid, shall incline to belong to the other part of said Pittston, by signifying such their desire in writing to the Clerk of said town, he or they shall, with their polls and estates, be, and hereby are discharged from the said Episcopalian Society, and annexed to the other part of said town.*

Jedediah Jew-  
ett, Esq. to af-  
fue his war-  
rant.

SECT. 3. *And be it further enacted by the authority aforesaid, That Jedediah Jewett, Esq. be, and hereby is authorized to issue his warrant, directed to some principal member of said parish, requiring him to warn the members of the said parish, qualified to vote in parish affairs, to assemble at some suitable time and place in said town, to choose such officers as parishes are by law required to choose in the month of March and April annually, and to transact all matters and things necessary to be done in the said parish.*

[This Act passed *March 28, 1793.*]

An

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles River*, from the westerly Part of *Boston* to *Cambridge*, and for extending the Interest of the Proprietors of *Charles River Bridge* for a Term of Years." March 8, 1792.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of *West-Boston Bridge* shall be, and they hereby are declared to be able and capable in law to take and purchase, and to have, hold, enjoy, possess, receive and retain any and all such lands, tenements and hereditaments, and the rents, profits and benefits thereof, as the same Proprietors shall judge expedient for the better effectuating and securing the purposes of their incorporation, to their use, and to the use of their successors and assigns forever; *Provided,* That the same shall not exceed the sum of *forty thousand dollars*. Proprietors may legally purchase, possess and enjoy estates.   
 *Proviso.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same Proprietors be, and they are hereby authorized and empowered to open, cut, construct and maintain such ditches, canals and dams, over, through and across the marsh or upland on each side of the way or road, which by the Act to which this Act is in addition, they are required to make and to keep in good repair, as shall be necessary for the purpose of their incorporation: *Provided,* That the whole width of said way or road, including the said canals, ditches and dams, shall not exceed one hundred and thirty feet. — empowered to make and maintain canals, &c.   
 *Proviso.*

And whereas it may be necessary that the same Proprietors, in making said way or road, should take, use and appropriate the lands belonging to other persons: Therefore,

SECT. 3. *Be it further enacted by the authority aforesaid,* That when the said Proprietors shall judge it necessary to take, use, or appropriate any land not exceeding the limits before prescribed for the use of said road or way, or the maintenance thereof, and cannot agree with the owners of such lands upon their value, or the compensation to be made them therefor; or upon suitable persons to appraise the same, then, and in such case, the Justices of the Court of General Sessions of the Peace, within and for the county where such lands lie, are hereby authorized and empowered, upon application of either party, to appoint three disinterested freeholders of the county in which such lands lie, to appraise the same; and the damages, if any, which the owner or owners thereof may have thereby sustained, upon the same principles as private property is to be appraised and estimated when taken and appropriated for highways, or the

the repairing the same : And such appraisement being returned into, and accepted by the said Court, shall be taken and deemed final between the parties, and vest the estate or property so appraised in the said Proprietors ; and the said Court shall thereupon issue their execution or warrant against the same Proprietors to satisfy the same appraisement upon, unless either party being dissatisfied with such appraisement, shall, at the next session of the said Court after such acceptance, apply for a Jury to appraise and estimate the value thereof, or the damages, if any, thereby done to the owners of such lands ; in which case the said Court is hereby empowered to hear and finally determine the same by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, or by a new Committee, if both parties shall agree thereto : And if the Jury or Committee so appointed or agreed on by both parties, who are to be under oath, shall not return a verdict or make a report, or return more favourable to the petitioners or applicant, than the first Committee appointed by the Court as aforesaid, the petitioner or applicant shall pay the other party his reasonable costs, otherwise the other party shall pay such costs ; and in both cases judgment shall be made up agreeably to the verdict of the Jury, or report of the last Committee, so far as it respects damages, with or without the deduction of costs therefrom, as the case shall require, and execution shall issue accordingly ; and the bodies of any of the same Proprietors shall be, and hereby are made liable to be taken in execution on such judgment, in the same manner the inhabitants of any town are by law liable, when judgments are had against them ; and the lands or other estate shall vest in the same Proprietors, their successors and assigns in fee simple forever.

Parties dissatisfied with the judgment, may apply for a jury.

— to pay costs.

Proprietors liable to be taken in execution.

Preamble.

And whereas it may be of public advantage that the Proprietors of *Charles River Bridge* should be enabled to purchase and hold real estate to a certain amount :

— of C. R. bridge may legally purchase and possess estates.

SECT. 4. *Be it further enacted by the authority aforesaid, That* the Proprietors of *Charles River Bridge* be, and hereby are declared able and capable in law to take and purchase, and to have, hold, enjoy, possess, receive and retain any and all such lands, tenements and hereditaments, and the rents, profits and benefits thereof, as the same Proprietors shall judge expedient for the better effectuating and securing the purposes of their incorporation, to their use and the use of their successors and assigns forever : *Provided, The same shall not exceed the sum of forty thousand dollars.*

Proviso.

[This Act passed *March 28, 1793.*]

An



An ACT in addition to and for repealing a certain Clause in an Act passed *March* the twenty-eighth, in the Year of our Lord One thousand seven hundred and eighty-eight, entitled, "An Act to prevent the Destruction of Alewives, and other Fish, in *Ipswich River*, and to encourage the Increase of the same."

**W**HEREAS it appears by the petition of *Thomas Burnham*, and a certificate of the Selectmen of the towns of *Ipswich*, *Topsfield* and *Middleton* accompanying the same, that a repeal of a certain clause in the aforementioned Act, so far as it respects the using and improving the said *Burnham's* saw-mill, from the last day of *April* to the first day of *June*, annually, provided the same be subjected to the regulation hereinafter mentioned, will not be injurious to the public :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the future using and improving the said *Burnham's* lower saw-mill, standing on *Ipswich River*, within the town of *Ipswich*, from the last day of *April* to the first day of *June*, annually, shall be under the directions, regulations and restrictions of the major part of the Selectmen of the towns of *Ipswich*, *Topsfield* and *Middleton*, for the time being ; such directions, regulations and restrictions being made in writing, under the hands of the major part of the Selectmen aforesaid, delivered to the said *Burnham*, from time to time, as shall be found necessary.

SECT. 2. *And be it further enacted,* That for every omission or violation of such directions, regulations or restrictions as aforesaid, the said *Burnham* shall be subjected to such penalties and forfeitures as is incurred by the aforementioned Act, for using and improving said saw-mill, within the term aforesaid, to be sued for, recovered and applied in manner as is prescribed in the said Act.

SECT. 3. *And be it further enacted,* That the sixth clause of the aforementioned Act, so far as it respects the using and improving the said *Burnham's* lower saw-mill, within the term therein mentioned, shall be and hereby is repealed.

[This Act passed *March* 28, 1793.]

An

An ACT for regulating the opening of Sluice-Ways in the several Mill-Dams on *River Meadow Brook*, in the Town of *Chelmsford* and District of *Carlisle*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the owners of mills on *River Meadow Brook*, so called, in the town of *Chelmsford* and district of *Carlisle*, be, and they are hereby permitted to keep the sluice-ways in their respective mill-dams shut such part of the time heretofore provided by law for keeping them open for the passage of fish up the said brook, as shall, by the Selectmen of the town of *Chelmsford* and the Selectmen of the district of *Carlisle*, for the time being, be judged will not prevent the passage of the fish up the said stream, and most conducive to the public good: *Provided*, The said Selectmen of *Chelmsford* and *Carlisle* make their determination in writing, under their hands; and such determination be kept constantly posted up in some conspicuous place at each of the mills on the said brook; any law to the contrary notwithstanding.

Owners of mills allowed to shut sluice-ways.

Proviso.

[This Act passed *March 28, 1793.*]

An ACT for repealing one Clause, and altering a dividing Line, described in an Act, entitled, “An Act for dividing the Town of *Salisbury*, in the County of *Essex*, into two Parishes.”

March 1792. 15,

Clause in a former Act repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the following clause, viz. “Excepting only that the contract made by the town, with the Minister of that part thereof, which now constitutes the west parish, shall, so far as it relates to his future support, be considered as devolving and binding upon the west parish only, and not upon the town,” contained in an Act passed the last session of the last General Court, entitled, “An Act for dividing the town of *Salisbury*, in the county of *Essex*, into two parishes,” be, and the same hereby is repealed.

Dividing line altered.

SECT. 2. *And be it further enacted, That* the first dividing line mentioned in said Act, beginning at the oak stump therein mentioned, “and thence running southerly by the western border of said *Titcomb's* land to *Merrimack River*,” be, and hereby is altered, and that said line shall run from said stump southerly by the eastern, instead of the western border of said *Titcomb's* land, to said *Merrimack River*, so as to include the lands of said *Enoch, Joshua* and *Richard Titcomb*, within the bounds of said western parish, any thing in said Act to the contrary notwithstanding.

[This Act passed *June 6, 1793.*]

An

An ACT authorizing *Lewis Ansart de Maresquelle*, to omit the addition of *De Maresquelle*, and to be called and known by the Names of *Lewis Ansart*.

**W**HEREAS *Lewis Ansart de Maresquelle*, of *Dracut*, in the county of *Middlesex*, Esq. has petitioned this Court, praying that he may be authorized to omit the addition of *de Maresquelle*, and that he may be called and known by the names of *Lewis Ansart*, which are his christian and family names : Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Lewis Ansart de Maresquelle be, and he hereby is allowed and authorized to omit the said addition of de Maresquelle, and that he be hereafter called and known by the name of Lewis Ansart.* Enacting clause.

[This Act passed June 6, 1793.]

An ACT in addition to an Act, entitled, “An Act for the establishing another Term for holding Courts of Common Pleas and General Sessions of the Peace, in the County of *Worcester*,” passed *March* twenty-eight, One thousand seven hundred and ninety-three.

**B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all actions and recognizances duly commenced, and taken previous to the passing of this Act, to be heard, tried and returned to the Courts of Common Pleas and General Sessions of the Peace, to be holden in said county, on the last Tuesday of *August* next, shall be returned to, entered, sustained and acted upon by said Courts respectively, at their said term, in *August* next, in the same way and manner, in every respect, as by law they might have been returned, entered, sustained and acted upon, had not the said *June* term been instituted as aforesaid ; and all attachments made on any actions commenced, and all recognizances taken as aforesaid, shall be holden good and valid in law ; the intervention of the said *June* term, in consequence of the said Act, notwithstanding. Actions, &c. to be carried on, notwithstanding the June term.

[This Act passed June 17, 1793.]

An

An ACT for establishing an Academy in the Town of *Westfield*, in the County of *Hampshire*, by the Name of *Westfield Academy*.

Preamble.

**W**HEREAS the encouragement of literature among the rising generation has ever been considered by the wise and good as an object of the most serious attention ; and as the prosperity and happiness of a free people greatly depend upon the advantages arising from a pious and learned education ; and it appears that the said town of *Westfield* have voted a sum of *six hundred pounds*, for the purpose of erecting and supporting an Academy in the town of *Westfield*, in the said county of *Hampshire* ; to effect which generous design more fully, it is necessary to establish a body politic :

Academy established.

of-

Trustees pointed.

ap-

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of *Westfield*, in the county of *Hampshire*, an Academy, by the name of *Westfield Academy*, for the purpose of promoting piety, religion and morality, and for the instruction of youth in such languages, and such of the liberal arts and sciences, as the Trustees shall direct ; and Hon. *William Shephard*, *Samuel Fowler*, and *Samuel Mather*, Esquires, *Warham Parke*, *David Mosley*, and *Abel Whitney*, Esquires, Rev. *Joseph Lathrop*, Rev. *Solomon Williams*, Rev. *Noah Atwater*, Rev. *Bezaleel Howard*, Rev. *Isaac Clinton*, Rev. *Joseph Badger*, Hon. *Samuel Lyman*, Esq. *Justin Ely*, Esq. and *Jonathan Judd*, jun. Esq. be, and they hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politic, by the name of *The Trustees of Westfield Academy*, and they and their successors shall be and continue a body politic, by the same name, forever.

Property confirmed to said Trustees.

Proviso.

Power to hold property.

SECT. 2. *And it is further enacted*, That all the lands and monies, which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees, and their successors in that trust, for the uses which in such instruments shall be expressed : *Provided*, such uses shall not be repugnant to the design of this Act : And they the said Trustees shall be further capable of having, holding and taking, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal, (provided the annual income of the whole shall not exceed *two thousand pounds*) and shall apply the rents, issues and profits thereof, in such a manner, as that the design of the institution may be most effectually promoted.

SECT. 3. *Be it further enacted*, That the said Trustees shall have full power from time to time, as they shall determine, to elect such officers of the said Academy, as they shall judge necessary

necessary and convenient, and fix the tenures of their respective offices ; to remove any Trustee from the Corporation, when in their opinion he shall be incapable, through age or otherwise, of discharging the duties of his office ; to fill all vacancies, by electing such persons for Trustees as they shall judge best ; to determine the times and places of their meetings ; the manner of notifying the said Trustees ; the method of electing or removing Trustees ; to ascertain the powers and duties of their several officers ; to elect Preceptors and Ushers of said Academy ; to determine the duties and tenures of their offices ; to ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the Academy, and ascertaining the qualifications of the Students requisite to their admission, and the same rules, orders and by-laws at their pleasure to repeal.

Power and duty of the Trustees.

SECT. 4. *Be it further enacted*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure ; and that all deeds signed and delivered by the Treasurer or Secretary of said Trustees, by their order and sealed with their seal, shall, when made in their name, be considered as their deed, and as such be duly executed and valid in law : And that the said Trustees of said Academy may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Westfield Academy*.

Common seal.

Trustees may sue or be sued.

SECT. 5. *And be it further enacted*, That the number of the said Trustees and their successors shall not at any one time be more than fifteen nor less than nine, seven of whom shall constitute a quorum for transacting business ; and a majority of the members present at any legal meeting shall decide all questions proper to come before the Trustees ; that a major part shall be laymen and respectable freeholders ; also that a major part shall consist of men who are not inhabitants of the said town of *Westfield*.

—, number of limited.

SECT. 6. *And be it further enacted*, That *Samuel Fowler*, Esq. be, and he hereby is authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

Samuel Fowler, Esq. authorized.

[This Act passed June 17, 1793.]

An ACT for incorporating the East Precinct of the Town of *Yarmouth*, in the County of *Barnstable*, into a separate Town by the Name of *Dennis*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the lands contained within the east precinct

Dennis incor-  
porated.

cinct in *Yarmouth*, as the same is now bounded, with the inhabitants dwelling thereon, be, and they hereby are incorporated into a town by the name of *Dennis*; and the said town of *Dennis* is hereby invested with all the powers, privileges and immunities to which towns within this Commonwealth are or may be entitled, agreeably to the Constitution and laws of this Commonwealth.

Inhabitants sub-  
jected to pay-  
ment of taxes.

— to support  
their poor.

— to pay pro-  
portion of  
debts, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Dennis* shall pay all the arrears of taxes which have been assessed on them by the town of *Yarmouth*, or which may be assessed on them from this time to the first of *March* next, and shall take and support their proportionable part of all the poor persons which now are in said town of *Yarmouth*, or which may be therein on the first day of *March* next; and also shall support any poor person or persons who have heretofore been inhabitants of that part of *Yarmouth* which is now *Dennis*, and shall not have obtained a legal settlement elsewhere, (when they become chargeable,) and such poor person or persons may be returned to the town of *Dennis* in the same way and manner that paupers may by law be returned to the town or district to which they belong: And the inhabitants of the said town of *Dennis* shall pay their proportion of all debts now due from the town of *Yarmouth*, or which may be due on the first day of *March* next, and shall be entitled to receive their proportion of all monies and debts now due to the said town of *Yarmouth*, or which may be due the first day of *March* next; and also their proportionable part of all other property of the said town of *Yarmouth*, of every kind and description whatever.

Atherton Hall,  
Esq. to issue a  
warrant.

SECT. 3. *And be it further enacted by the authority aforesaid,* That *Atherton Hall*, Esq. be, and he is hereby authorized to issue his warrant directed to some principal inhabitant of said town of *Dennis*, requiring him to warn and give notice to the inhabitants of the said town to assemble and meet at some suitable time at the meeting-house in said town of *Dennis*, some time in the month of *March* or *April* next, to choose all such officers as towns are required to choose at their annual town-meeting in the month of *March* or *April* annually.

[This Act passed June 19, 1793.]

An ACT to incorporate the Inhabitants of a Plantation known by the Name of *Number Four*, into a Town by the Name of *Paris*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation known by the name of *Number*

*Number Four*, in the county of *Cumberland*, bounded on all parts by the Commonwealth's land, as follows, viz. Beginning at a hemlock tree, two hundred and fifty-two chains from the south corner of *Sylvester Canada*; thence north, fourteen degrees west, seven hundred and seventy-seven chains, to a stake and stones; thence south, sixty-eight degrees and thirty minutes west, three hundred and sixty chains, to a stake and stones; thence south, fourteen degrees east, seven hundred and seventy-seven chains, to a stake and stones; thence north, sixty-eight degrees and thirty minutes east, three hundred and eight chains, to the hemlock tree first mentioned, with the inhabitants thereon, be, and hereby is incorporated into a town by the name of *Paris*, with all the powers, privileges and immunities that towns within this Commonwealth do or may enjoy.

Boundaries of  
Paris incorpo-  
rated.

SECT. 2. *And be it enacted by the authority aforesaid*, That *Isaac Parsons*, Esq. be, and hereby is empowered to issue his warrant, directed to some principal inhabitant of said town, qualified as the law directs, to assemble and meet at some suitable time and place in said town, and choose such officer or officers as towns by law are empowered to choose at their annual meeting in the month of *March* or *April*.

Isaac Parsons,  
Esq. to issue his  
warrant.

[This Act passed June 20, 1793.]

An ACT in addition to an Act, entitled, "An Act for incorporating that Part of the Town of *Swanzy*, known by the Name of *Skewamet Purchase*, in the County of *Bristol*, into a separate Town by the Name of *Somerfet*."

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all persons who before the passing said Act were inhabitants of said town of *Swanzy*, or were there liable to be maintained, and who gained their settlement either by birth or otherwise, in that part of *Swanzy* which now constitutes the town of *Somerfet*, in case they or any of them have already or may hereafter become chargeable for support, shall be considered as the proper poor of said town of *Somerfet*; any thing in said Act to the contrary notwithstanding.

Certain poor of  
Swanzy to be  
supported by  
the town of  
Somerfet.

[This Act passed June 20, 1793.]

An

An ACT to incorporate the Parish of *Ipswich Hamlet*, so called, in the Town of *Ipswich* in the County of *Essex*, with certain other Inhabitants and Estates, into a separate Town and Parish by the Name of *Hamilton*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the lands and inhabitants of the parish aforesaid, with all other lands and inhabitants within the following limits, viz. Beginning at Dodge's stump, so called, where Manchester and Wenham lines meet; thence running westerly, northerly and easterly, by Wenham and Topsfield lines, and by Ipswich River, to a wall about ten chains below Barnabas Dodge's mills; then by said wall on the dividing line between Col. Isaac Smith's and Barnabas Dodge's land to the road; thence by the road over Pumpkin Meadow causeway to the northerly and easterly corner of Isaac Adams's land; thence southerly on the dividing line between said Adams's and Col. Smith's land to Isaac and Samuel Appleton's land; thence southerly to the northerly and easterly corner of Thomas Adams's land; thence southerly and easterly on the dividing line between said Appleton's and said Adams's land to the northerly corner of Phillip Brown's land; thence southerly and easterly on the dividing line between said Appleton's and Brown's land to the south-westerly corner of said Appleton's land; thence on the southerly side of said Appleton's land to the brook called Long Causeway Brook; thence easterly by said brook to Mile's River, so called; thence southerly and easterly by said Mile's River to the south-westerly corner of Joseph and John H. Bowman's land; thence southerly and westerly on the dividing lines between Jacob Annable's, Samuel Patch's, and Jeremiah Kinsman's land to said Mile's River; thence by said river to the south-westerly corner of William Dodge's land; thence easterly on the southern side of said Dodge's land to the road; thence northerly by the road to the north-west corner of Joseph Robert's land; thence on the northern side of said Robert's land to a stake and stones at the wall which separates Chabacco pasture from South Eight, so called; thence southerly on a straight line by the said wall to George Norton's land; thence westerly and southerly on the northerly and westerly sides of said Norton's and the heirs of John Burnham's land to the road; thence on the dividing line between Abner Poland's and the heirs of David Robert's land to Chabacco Pond; thence southerly, to the winter path in Maple Swamp, and by the said path to Burley's Point; and thence by the range of lots to Manchester line; thence westerly on Manchester line to the first mentioned bounds, be, and the same are hereby incorporated*

Boundaries of  
Hamilton in-  
corporated.



incorporated into a town by the name of *Hamilton*, and invested with all the powers, privileges and immunities which towns in this Commonwealth by law are entitled to enjoy, except that the parsonage estate belonging to the fourth parish in said *Ipswich*, and lying in said town of *Hamilton*, shall forever be exempted from all taxes therein.

SECT. 2. *Be it further enacted by the authority aforesaid*, That *Stephen Choate*, Esq. be, and he is hereby empowered and required to issue his warrant to some principal inhabitant of the said town of *Hamilton*, directing him to warn the inhabitants thereof, qualified to vote in town affairs, to assemble at some convenient time and place in said town to choose such officers as towns are empowered to choose at their annual meeting in the months of *March* or *April*.

Steph. Choate,  
Esq. to issue a  
warrant.

And whereas the conditions of separation of the said town of *Hamilton* from the town of *Ipswich*, following, have been agreed to by all parties concerned, and submitted to this Court to be ratified and made a part of this Act, viz.—That the town of *Hamilton* shall pay to the town of *Ipswich*, as a consideration for being exempted from any expense, on account of any poor person belonging to the town of *Ipswich*, previous to this separation, except such persons as may hereafter be returned as paupers from some other town, who were born in, or were formerly inhabitants of said parish, *nine hundred and fifty pounds* lawful money; excepting that from the said sum there shall be deducted the amount of what would have been the proportion of the assessment of the said sum on the estates and lands of *Iaac* and *Samuel Appleton*, *Nathan Dane*, Esq. *William Dodge*, and *Jeremiah Kinsman*, if those estates and lands had remained within the lines of the incorporation as originally proposed; and it is understood that any present inhabitant of said parish, who has received only partial supplies from the town, and all persons, now inhabitants of said town of *Hamilton*, who have not as yet received any support from the town of *Ipswich*, shall hereafter be considered as the inhabitants of the new incorporation, and there to be provided for in future if necessary: And the said *nine hundred and fifty pounds*, after such deduction, shall be paid by the first day of *April*, one thousand seven hundred and ninety-four, and afterwards interest on the whole or such parts as shall not then be paid: That the said town of *Hamilton* pay all assessments already made, and their proportion of all debts contracted previous to the said separation; and also that the state tax, granted, viz. *June* session, one thousand seven hundred and ninety-three, be assessed and collected in the same manner as if this incorporation had not taken place; and if the provision made for the support of the poor be not sufficient therefor until the first day of *April*, one thousand seven hundred and ninety-four, the said town of *Hamilton* shall pay

Preamble.

pay as heretofore their proportion of such deficiency : That the inhabitants of the said town of *Hamilton* shall forever enjoy, as heretofore, the privilege of improving all the public docks, shores, landings and water-courses, within the town of *Ipswich* : That they shall have free liberty of taking sand, and of improving the clam-banks for their own use and consumption as heretofore : All personal property belonging to the town shall be divided by a Committee, chosen by the town and *Hamlet Parish* for that purpose, in such manner as they shall agree, in due proportion to their respective capitals : That the net proceeds of the old town and county house which may belong to the town, if any, shall be appropriated towards the discharge of the present town debt : That the amount of the debts of the town shall be ascertained and determined on or before the first day of *September*, one thousand seven hundred and ninety-four : And whereas the same conditions or articles of agreement appear to be reasonable :

Inhabitants of  
each empowered  
to direct all  
assessments.

SECT. 3. *Be it therefore enacted by the authority aforesaid,* That the same be, and they hereby are declared and made valid and obligatory on the said two towns respectively ; and the inhabitants of each, qualified to vote in town affairs, are hereby authorized and empowered, in town meeting assembled, to direct all assessments, and to do all other acts necessary for carrying into execution all the said terms, conditions and articles of separation, agreed on, ratified and established as aforesaid.

This Act to be  
void in case.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case the said town of *Hamilton* shall fail to pay, or to secure payment by bond or otherwise to said town of *Ipswich*, of the said sum of *nine hundred and fifty pounds*, deducting therefrom as aforesaid, on or before the said first day of *April*, one thousand seven hundred and ninety-four, then this Act and every clause and article therein shall be void.

[This Act passed June 21, 1793.]

An ACT in addition to an Act, entitled, " An Act for dividing the County of *Suffolk*, and establishing a new County, by the Name of *Norfolk*."

**W**HEREAS in the said Act no provision is made for the choice of Grand Jurors to serve at the Court of General Sessions of the Peace, in the several counties of *Suffolk* and *Norfolk* the present year :

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Clerks of the Court of the General Sessions of the Peace in the said counties, be, and hereby are authorized respectively to make out their warrants to the constables of the several towns  
in

in their respective counties, or to so many of them as the Court shall order, requiring them severally to assemble the freeholders and inhabitants of their respective towns, qualified to vote for Representatives, to choose by ballot one or more good and lawful man or men in each town, as the Court shall direct, of like qualifications and of good moral character, as is already required by "An Act regulating the appointment and services of Grand Jurors," to appear at the Court of General Sessions of the Peace, next to be holden within the said counties respectively, and there to serve on the Grand Jury at every Court of General Sessions of the Peace, throughout the remainder of the present year, and until another Grand Jury shall be chosen, impanelled and sworn in their room, and the constables shall notify the persons so chosen four days before the sitting of the Court, and their duty shall be the same as is already declared and designated in the before mentioned "Act regulating the appointment and services of Grand Jurors."

Grand Jurors,  
how chosen.

— to serve until others are appointed.

[This Act passed June 21, 1793.]

An ACT for altering an Act, entitled, "An Act incorporating the Hon. John Worthington, Esq. and others therein named, for the Purpose of rendering *Connecticut River* passable for Boats and other things, from the Mouth of *Chicapee River*, northward, throughout this Commonwealth, by the Name of *The Proprietors of Locks and Canals on Connecticut River*." Feb. 23, 1792.

**W**HEREAS the Proprietors above named have represented that it will be very difficult (if practicable) to construct the Canals above mentioned, in such manner as to convey down the same, rafts of such length and breadth as is provided in the Act above mentioned, and have requested an alteration thereof: Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Locks and Canals in Connecticut River shall not be holden or obliged to construct the Locks and Canals in the said river, in such manner that rafts and floats, exceeding sixteen feet in width, or forty feet in length, may pass down the same; any thing in the said Act to the contrary notwithstanding.* Part of a former Act altered.

[This Act passed June 21, 1793.]

An

An ACT for incorporating a Religious Society in the  
Town of *Penobscot*, in the County of *Hancock*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Perkins, Joseph Perkins, Joseph Wardwell, Stover Perkins, Mark Hatch, David Howe, John Bakeman, Roger Lawrence, Aaron Banks, Aaron Banks, jun. Smith Woodward, Thomas Slack, Cuninghame Lymburner, John Dobbie, Samuel Rogers, William Readhead, Joseph Calef, Thomas Stevens, James Douglass, Michael Dyer, Robinson Crockett, jun. Abraham Perkins, Benjamin Lunt, William Turner, John Lee, Richard Hunnewell, Isaac Parker, John Haden, Benjamin Rea, Moses Gay, Hutson Bishop, Josiah Crawford, John Cowen, Jonathan Holbrook, Benjamin Redman, George Halliburton, Benjamin Courtney, Francis Adams, Abel Hofner, Samuel Russell, Robert Moge, Joseph Lowell, Barnabas Higgins, Stephen Littlefield, John Bray, John Bray, jun. George Darrow, Ephraim Cook, William Preston, Archibald Heney, William Webber, David Willson, Thather Avery, Jeremiah Jones, Oliver Parker, James Crawford, Elisba Dyer, Daniel Perkins, Pelatiah Westcoat, Pelatiah Tapley, David Jenkins, William Hutchings, Joseph Webber, James Scott, John Collins, Andrew Herrick, Elijah Winslow, Battery Manning Powers, Gersham Varnum, Matthew Varnum, Eliphalet Lowell, Ephraim Blake, John Redman, James Leach, David Hawes, Oliver Parker, jun. Samuel Wesson, Septbia Hill, Elisba Hopkins, the petitioners, together with their polls and estates, together with such others as may join them, be, and they hereby are incorporated into a parish, by the name of *The first Parish in the Town of Penobscot*, with all the privileges, powers and immunities which other parishes in this Commonwealth are by law entitled to.*

SECT. 2. *And be it further enacted by the authority aforesaid, That any of the inhabitants of said town shall at all times have full liberty to join themselves and their families to either of the parishes in said town, provided they shall signify in writing, under their hands, to the Clerk of said town, thirty days at least previous to the annual meeting of the inhabitants of said town, in the month of March or April, their determination of being considered as belonging to the parish to which they may join themselves as aforesaid; and any person or persons who shall leave one of the parishes in said town and join the other parish therein, shall be holden to pay all legal taxes previously assessed upon them, and their proportions of their previous debts and charges of the parish which they shall leave, as aforesaid.*

SECT. 3. *And be it further enacted, That Oliver Parker, Esq. be, and hereby is authorized to issue his warrant to some principal member of the said parish, requiring him to warn the members*

Names of persons incorporated into a Parish.

Persons by giving notice may join either parish.

Oliver Parker, Esq. to issue a warrant.

members of the same, qualified to vote in parish affairs, to assemble at some suitable time and place in said town, to choose such officers as parishes are by law required to choose, in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in said parish.

[This Act passed *June 22, 1793.*]

An ACT to incorporate certain Lands in the Town of *Dedham*, in the County of *Norfolk*, into a common Field.

**B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands in *Dedham*, lying within the limits hereafter expressed, known by the name of *Purgatory Swamp*, beginning at *Purgatory Brook* (so called) and running southwardly on said brook so far as to include the lands of *Ira Draper* and *Jonathan Dean*; thence running westerly on the south line of said *Draper's* and *Dean's* land to the upland; thence northerly on the line which separates the meadow from the upland, so far as to include the land of *Oliver Morse* and *John Ellis*; thence easterly on the north line of said *Morse's* and *Ellis's* land to the brook first mentioned, be, and hereby are incorporated into a common and general field: and the owners thereof are invested with all powers and privileges which the owners of common and general fields are or may be invested with by law.

Boundaries.

Common field incorporated.

[This Act passed *June 22, 1793.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Sheepscott River*, in the County of *Lincoln*, and for supporting the same.

**W**HEREAS the erecting a bridge over *Sheepscott River*, above the falls at *Averil's Ferry*, between the towns of *Pownalborough* and *Newcastle*, in the county of *Lincoln*, will be of great public convenience; and whereas *David Sylvester*, Esq. and others have presented a petition to this Court, praying that they, and such as may associate with them, may be incorporated for the purpose of building the same, with power to collect reasonable toll for their compensation:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *David Sylvester*, *John Page*, and *Timothy Parsons*, with such other persons as may hereafter associate with them, for that purpose, be, and they hereby are made and constituted a Corporation and Body Politic, for the purpose

Persons incorporated.

—, their name and power. pose afore said, by the name of *The Proprietors of Sheepscott River Bridge*, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which bodies politic may or ought to do or suffer ;

— may have a common seal. and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Meeting of the Proprietors, how called. SECT. 2. *And be it further enacted by the authority afore said,* That the said *David Sylvester, John Page, and Timothy Parsons*, or any two of them, may, by advertisement in any of the newspapers printed within the District of *Maine*, warn or call a meeting of the Proprietors, to be holden at any suitable time and place, after thirty days from the first publication of the said advertisement ; and the Proprietors, by a vote of a majority of those present or duly represented at the said meeting, accounting and allowing one vote to and for each single share in all cases, (*Provided however,* That no one Proprietor shall be allowed more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his said office ; and shall also agree on a method of calling future meetings ; and at the same or a subsequent meeting or meetings may elect such officers and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for carrying into effect the purpose afore said, and for collecting the toll hereinafter granted and established ; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding *thirty shillings* : *Provided* the said rules and by-laws be not repugnant to the Constitution or laws of this Commonwealth ; and all representations at any meeting of the said Corporation shall be filed with the Clerk ; and this Act, and all rules, by-laws, regulations and proceedings, shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose.

To choose a clerk, and transact other business. SECT. 3. *And be it further enacted by the authority afore said,* That the said Proprietors be, and they are hereby permitted and allowed to erect a bridge over *Sheepscott River* at *Averill's* ferry afore said, with a convenient draw for the passing of vessels at least twenty-eight feet wide, which draw shall be lifted for all vessels without toll or pay, during day-light in each day : And there shall be provided and built by the said Proprietors a suitable wharf or pier for the accommodation of all vessels intending to pass the afore said draw. And all vessels intending to pass the said draw shall lay free of charge at the wharf or pier until a suitable time shall offer for passing the said draw : And the said Proprietors shall constantly keep some suitable person or persons at the said bridge for raising such draw, for the purpose of letting vessels pass through the same. And for the purpose of reimbursing them the money by them to be expended in building and supporting such bridge,

Proviso. Acts and proceedings to be recorded.

Bridge erected with a draw and piers.

SECT.

SECT. 4. *It is hereby further enacted by the authority aforesaid,* That a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. Toll established. For each foot passenger, *two pence*; for each horse and rider, *—, rates of.* *six pence*; for each horse and chaise, chair or sulkey, *one shilling*; for each riding sleigh, drawn by one horse, *eight pence*; for each riding sleigh, drawn by more than one horse, *one shilling*; for each coach, chariot, phaeton, or other four wheel carriage for passengers, *one shilling and eight pence*; for each curricule, *one shilling*; for each cart, sled, sleigh or other carriage of burden, drawn by more than one beast, *nine pence*; for each horse without a rider, and for neat cattle, *three pence* each; for sheep and swine, *six pence* per dozen: And one person and no more shall be allowed to each team as a driver, to pass free of toll; and at all times when the toll-gatherer shall not attend his duty the gate or gates shall be left open; and the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for the term of seventy years from said day: And at the place where the toll shall be received there shall be erected and constantly exposed to open view a sign or board with the rates of toll of all tollable articles fairly and legibly written or painted thereon in large or capital letters. Sign-board to be erected.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said bridge shall be well built with suitable materials at least twenty-four feet wide, and well covered with planks, with sufficient rails on each side, and boarded up eighteen inches high from the floor of said bridge for the safety of passengers travelling thereon; and the same shall be kept in good, safe and passable repair at all times; and at the expiration of the term hereby granted to the said Proprietors in such bridge, the same bridge shall be delivered up to the Commonwealth in good and passable repair. Bridge to be built with good materials, and kept in repair.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect, for the space of three years from the passing this Act, to build and erect said bridge, then this Act shall be void and of no effect. Limited time for building.

[This Act passed June 22, 1793.]

An ACT for incorporating *James Sullivan, Esquire, and others, by the Name and Style of The Proprietors of the Middlesex Canal.* Additional Acts, Feb. 28, 1795, June 25, 1798, Jan. 25, 1800, March 2, 1803.

**W**HEREAS *James Sullivan, Esq.* and others have petitioned to be incorporated for the purpose of cutting a Canal from the waters of *Merrimack River* into the waters of *Medford River*: And whereas it is represented that sundry persons are ready to raise funds sufficient for the purpose of opening the same Canal: Preamble.

SECT.

VOL. I.

3....L

Persons incor-  
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, That the said James Sullivan, Oliver Prescott, James Winthrop, Leammie Baldwin, Benjamin Hall, Jonathan Porter, Andrew Hall, Ebenezer Hall, Samuel Tufts, jun. Aaron Brown, Willis Hall, Samuel Swan, jun. and Ebenezer Hall, jun. their associates and successors, are hereby incorporated and shall be a Corporation forever, under the name of The Proprietors of the Middlesex Canal, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution ; and shall be, and hereby are vested with all the powers and privileges which are by law incident to Corporations of a similar nature.*

Justice empow-  
ered to call a  
meeting.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Proprietors, or any three of them, may make their application to any Justice of the Peace for the county of Middlesex, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the town of Medford, in the same county ; whereupon such Justice is hereby empowered to issue his warrant to one of said Proprietors, directing him to warn and notify said Proprietors to meet at such time and place in said town of Medford, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said Proprietors for the future, and to do and transact such matters and things relating to the said Propriety, as shall be expressed in the warrant. And the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors, by causing the same, or the substance thereof, to be published in one of the Boston newspapers fourteen days before the holding of said meeting, and make return thereof, under his hand, to the same meeting, to be lodged with the Clerk that shall be then and there chosen. And the said Proprietors may, at the same or any other legal meeting, choose a Clerk, Treasurer, and other officer or officers of the Corporation, that they may deem necessary ; and also may choose a committee for ordering and regulating the business and affairs of the said Corporation ; and every Proprietor shall have a right to vote in the Proprietary meetings, according to his share and interest, in person or by representation, in the following ratio, viz. From one hundred to three hundred dollars, inclusive, there shall be allowed one vote ; from the three hundred and one to six hundred dollars, inclusive, shall be allowed one vote more ; and for every thousand, above one thousand, shall be allowed one vote more, provided, no one Proprietor shall have more than twenty votes ; all representations to be proved in writing, signed by the person making the same, by special appointment, which shall be filed with and recorded by the Clerk ; and this Act and*

Notice to be  
given in a new-  
paper.

Officers to be  
appointed.

Ratio of vot-  
ing.

Clerk to re-  
cord.



and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept: *Provided*, that whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons may (as in the case of highways) be appropriated for the public use; in order that no person may be damaged by the digging and cutting Canals through his land, by removing mills or mill-dams, diverting water-courses, or flowing his land, by the Proprietors aforesaid, without receiving full and adequate compensation therefor.

SECT. 3. *Be it enacted by the authority aforesaid*, That in all cases where any person shall be damaged in his property by the said Proprietors, for the purposes aforesaid, in manner as is above expressed, or in any other way, and the Proprietors aforesaid do not, within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace, for the county in which the damage shall have been sustained, to have a Committee appointed by said Court, at his own expense, to estimate the damage so done; and the said Court are hereby authorized and empowered by warrant, under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders in the same county, to estimate the damages; which Committee shall give seasonable notice to the persons interested, and to the Clerk of the Proprietors aforesaid, of the time and place of their meeting; and they shall be under oath to perform said service, according to their best skill and judgment; which having done, they, or the major part of them, shall make return thereof, under their hands and seals, to the next Court of General Sessions of the Peace to be holden in said county, after the same service is performed; to the end, that the same may be accepted, allowed and recorded; and the Committee so empowered, are required to estimate the said damage, and make return thereof, as aforesaid; and if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages: *Provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the cost of the said Committee and fees of the Court, both to be allowed by the Court; *provided* the sum of damages estimated by the Committee exceed the sum of damages so tendered: But in case the Proprietors actually tendered to the

*Provided*,

Method of procedure by persons who may be damaged in their property in cutting the Canal.

*Provided*,

the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of Committee or Court : The execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, and returnable in the same time as though judgment had been rendered against said Corporation for a like sum, in damages, on process in the Court of Common Pleas ; and if any person find himself aggrieved by the doings of said Committee, in estimating damages, he may apply to said Court of General Sessions of the Peace : *Provided* such application be made to the same Court, at the next session thereof, in the same county, after the acceptance of such return ; and said Court is empowered to hear and finally determine the same, by a Jury, under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desires the same, or by a Committee if the person complaining and the Proprietors can agree thereon. And if the Jury or Committee, agreed on as aforesaid, who are to be under oath, shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court, otherwise such cost and increase of damages shall be paid by the Proprietors, and execution to issue therefor, as aforesaid expressed. And it shall be the duty of such Committee or Jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many bridges shall be made and maintained by said Proprietors over the Canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the Proprietors for neglecting to make and maintain such bridges ; and the report of such Committee or verdict of such Jury being returned into the same Court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages aforesaid, saving only that where the sum of damages is not estimated at a sum in gross for the full satisfaction thereof, but a yearly sum is assessed ; in such case, the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered as aforesaid, and also for the recovery of the damages for neglecting to make and maintain the bridges, as often as the same is demandable : *Provided*, That no part of the waters of *Sharpsbine River* shall be diverted from their natural course for the purpose aforesaid ; and that no dwelling-house shall be removed or water-course turned or altered whereon any mill is erected, so as to injure such mill without license therefor, first had and obtained from the Court of General Sessions of the Peace of the county in which such house may stand, or through which such water-course may pass :

No water-course to be altered nor removed without license.

pass : And the said Court of Sessions, on application made to them by the said Proprietors, shall observe the same rules as are prescribed by law, when application is made to them for granting a public highway. *Provided also*, that the waters of *Merrimack River* shall not be so diverted from their natural course as to impede, or any way interrupt the water carriage down the *Merrimack River* to the mouth thereof.

SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully, maliciously and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any dam, canal or lock, or part thereof, designed for the purposes aforesaid, damnify, carry away, or set afloat to be carried away, any boards, plank, joist, or other timber or materials, used or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence, forfeit and pay to the Proprietors aforesaid, treble such damages as the said Proprietors shall, to the Justice or Court and Jury, before whom the trial shall be, make appear that they have sustained by means of the same trespass; to be sued for and recovered in any Court proper to try the same : And such offender or offenders shall be liable to presentment by the Grand Inquest for said county of *Middlesex*, for any offence or offences against this law ; and on conviction thereof, on such presentment before the Court of General Sessions of the Peace for said county, or before the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than *twenty pounds*, nor less than *five pounds*, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

Penalty in case of damaging.

SECT. 5. *And be it enacted by the authority aforesaid*, That the Proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold, to them and their successors forever, so much land and real estate as may be necessary for the purposes aforesaid, not exceeding the value of *five thousand pounds*.

Proprietors empowered to purchase and hold real estate.

SECT. 6. *And be it further enacted by the authority aforesaid*, That for the purposes of reimbursing the said Proprietors the money by them expended or to be expended in building and supporting the dams, canals and locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and is hereby granted and established for the sole benefit of the Proprietors, according to the rates following, viz. For every ten weight that shall be transported in boats or other vessels through the said Canal, between the bridge in *Medford* and *Merrimack River*, the sum of *four pence* for each mile ; for all masts, timber and lumber floated on raft or otherwise, through the same Canal, the sum of *four pence* a ton for each mile.

Toll established. —, rates of.

SECT.

**Toll-gatherers to be appointed.** **SECT. 7.** *And be it further enacted by the authority aforesaid,* That there shall be toll-gatherers and others to attend all Locks on said Canal, in the day time, and on the same Canal at suitable places, who shall give constant attendance at their respective stations during the whole of the season for boats and rafts to pass; and on the toll being paid, shall immediately permit passengers with their property to pass the said Locks and Canal. And the said toll shall commence on said Canal as soon as the same or any part thereof shall be completed, and shall continue forever: *Provided,* That when forty years from the first opening thereof are expired, the General Court from thence forward, may regulate the rate of toll, and the same shall be collected in such manner as shall be prescribed to the said Corporation.

**General Court to regulate the toll.**

**Time limited for completing the Canal.** **SECT. 8.** *And be it further enacted by the authority aforesaid,* That if the Proprietors aforesaid shall refuse or neglect, for the space of ten years after the passing this Act, to build and complete such Canal, so as to be passable, in manner aforesaid, then this Act, so far as it respects the same, shall be void and of none effect.

[This Act passed June 22, 1793.]

**Additional Acts, Feb. 26, 1794, June 19, 1798.**

An ACT to incorporate the East Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill*.

**Boundaries.**

**Gill incorporated.**

**SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the east part of the town of *Greenfield*, in the county of *Hampshire*, hereafter described, shall be set off and incorporated into a town by the name of *Gill*: Beginning at the centre of *Fall River*, so called, where it empties into *Connecticut River*, running on said *Connecticut River*, with its angles, three thousand eight hundred and fifteen rods, to a black oak tree, on *Northfield* line; from thence westerly, on *Northfield* and *Barnardston* line, to the centre of the abovementioned *Fall River*; from thence southerly, down to the centre of said river, to the first mentioned bounds, with all the inhabitants thereon living, be, and hereby are incorporated into a separate town by the name of *Gill*, with all the powers, privileges and immunities that towns within this Commonwealth do or may enjoy.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town of *Gill* shall be subject to and pay all rates and taxes heretofore assessed upon them while they belonged to the town of *Greenfield*, in the same manner as though this Act had not been passed; and shall be subject

— to pay all arrearages of taxes & debts.

subject to pay their part of all debts due from said town of *Greenfield*, in the same proportion as the public taxes were paid in the year of our Lord one thousand seven hundred and ninety-two; and also shall receive according to the same rule of proportion, their part of all public lands, and of all other public property whatsoever, belonging to the said town of *Greenfield* at the time of passing this Act.

SECT. 3. *And be it further enacted*, That the said town of *Gill* shall be holden to maintain all persons belonging within the bounds thereof, who now are or shall hereafter become chargeable; and provided any person or persons who have removed from said town of *Greenfield* shall hereafter be returned as the poor of said town, then and in such case, the said town of *Gill* shall be holden to take and support as their poor, all those who immediately before such removal were the inhabitants of that part of *Greenfield* which is now *Gill*. — to maintain certain poor.

SECT. 4. *And be it further enacted by the authority aforesaid*, That until the said town of *Gill* shall have a sufficient number of rateable polls to entitle them to send a Representative, they shall assemble and meet with the town of *Greenfield*, for the purpose of choosing a Representative, to serve in the General Court of this Commonwealth: The said meeting to be holden in the towns of *Greenfield* and *Gill* alternately. — to join with *Greenfield* in the choice of a Representative.

SECT. 5. *And be it further enacted by the authority aforesaid*, That *David Smead*, Esq. be, and he hereby is authorized and empowered to issue his warrant to some principal inhabitant of the said town of *Gill*, requiring him to notify and warn said inhabitants to meet at some convenient time and place in said town, to choose all such officers as other towns are by law required to choose in the month of *March* or *April* annually. David Smead, Esq. to call a meeting.

[This Act passed September 28, 1793.]

## An ACT to establish an Academy in the Town of *Groton*, by the Name of *Groton Academy*.

**W**HEREAS the encouragement of literature among the rising generation has ever been considered by the wise and good as an object worthy of the most serious attention, and the happiness of the community requires the dissemination of knowledge and learning among all classes of citizens: And whereas it appears from a petition of a large number of the inhabitants of the town of *Groton*, and its vicinity, that a sum of money has been subscribed towards erecting a suitable building for, and supporting an Academy in the said town; and as such an institution, besides encouraging the interest of literature and the sciences, and diffusing useful knowledge in that part of the Commonwealth, may otherwise essentially promote the interest thereof: Therefore, Preamble.

SECT.

Academy  
established.

Trustees.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of Groton, in the county of *Middlesex*, an Academy, by the name of *Groton Academy*, for the purpose of promoting piety and virtue, and for the education of youth in such languages, and such of the liberal arts and sciences as the Trustees shall direct: And the Hon. *Oliver Prescott*, Esq. the Rev. *Daniel Chaplin*, the Rev. *Zabdiel Adams*, the Rev. *Phineas Whitney*, the Rev. *John Bullard*, the Rev. *William Emerson*, the Hon. *Josiah Stearns*, Esq. Col. *Henry Broomfield*, *James Winthrop*, *Henry Woods*, *Joseph Moors*, *Oliver Prescott*, jun. *Samuel Dana*, *Timothy Bigelow*, and *Aaron Brown*, Esquires, be, and they hereby are nominated and appointed Trustees of the said Academy; and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Groton Academy*; and they and their successors shall be and continue a Body Politic and Corporate, by the same name forever.

Lands confirmed  
to the Trustees.Capable of receiving  
and holding property,  
with a proviso.

SECT. 2. *And be it further enacted,* That all the lands and monies heretofore given or subscribed, or which for the purpose aforesaid shall be hereafter given, granted and assigned unto the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and they the said Trustees shall be further capable of having, holding and taking in fee simple, by gift, grant, devise or otherwise, any lands, tenements, or other estate, real or personal: *Provided* the annual income of the same shall not exceed *five thousand dollars*, and shall apply the rents and profits thereof in such manner as that the end and design of the institution may be most effectually promoted.

Trustees empowered  
to elect officers, &c.

SECT. 3. *Be it further enacted,* That the said Trustees shall have full power, from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices; to remove any Trustee from the Corporation, when in their opinion he shall be incapable, through age or otherwise, of discharging the duties of his office; to fill all vacancies by electing such persons for Trustees, as they shall judge best; to determine the times and places of their meetings; the manner of notifying the said Trustees; the method of electing or removing Trustees; to ascertain the powers and duties of their several officers; to elect Preceptors and Teachers of said Academy; to determine the duties and tenures of their offices; to ordain reasonable rules, orders and by-laws, not repugnant to the laws of the Commonwealth, with reasonable penalties for the good government of the Academy, as to them the said Trustees and their successors shall, from time to time, according to the various occasions and circumstances, seem most fit and requisite;

requisite ; all which shall be observed by the officers, scholars and servants of the said Academy, upon the penalties therein contained.

SECT. 4. *Be it further enacted*, That the Trustees of the said Academy may have one common seal, which they may change at pleasure ; and that all deeds, made, signed and sealed with said common seal, and duly executed by the Treasurer or Secretary of said Trustees, by their order, shall be considered valid in law, as good deeds of bargain and sale : And that the Trustees of said Academy may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Groton Academy*. Common seal.

SECT. 5. *Be it further enacted by the authority aforesaid*, That the number of said Trustees shall not, at any one time, be more than fifteen, nor less than nine, five of whom shall constitute a quorum for doing business, and a majority of the members present at any legal meeting, shall decide all questions proper to come before the Trustees ; that the major part of them shall consist of men who are not inhabitants of the town of *Groton*. Number of Trustees.

SECT. 6. *And it is further enacted*, That *Aaron Brown, Esq.* be, and he hereby is authorized and empowered to fix the time and place for the holding the first meeting of the said Trustees, and to notify them thereof. Aaron Brown authorized.

[This Act passed September 28, 1793.]

An ACT to establish an Academy in the Town of *Westford* by the Name of *Westford Academy*.

**W**HEREAS the encouragement of literature among the rising generation has ever been considered by the wise and good as an object worthy of the most serious attention, and the freedom and happiness of the community require the dissemination of knowledge and learning among all classes of citizens : And whereas it appears to this Court that *Zacheus Wright, Esq.* and other generous persons have subscribed upwards of *one thousand pounds* for the benevolent purpose of erecting a suitable building for an Academy, and supporting the same in said town, and that a commodious building is now erected for that purpose : And as such an institution, besides encouraging the interest of literature and the sciences, and diffusing useful knowledge in that part of the Commonwealth, may otherwise essentially promote the interest thereof : Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of *Westford*, in the county of *Middlesex*, an Academy by the name of *Westford Academy*. Academy established.

Trustees incor-  
porated.

of *Westford Academy*, for the purpose of promoting piety and virtue, and for the education of youth, in such languages and such of the liberal arts and sciences as the Trustees shall direct; and that the Rev. *Moses Adams*, Rev. *Caleb Blake*, Rev. *Ezra Ripley*, Hon. *Ebenezer Bridge*, and *Joseph B. Varnum*, Esquires, *Zackeus Wright*, *Sampson Tuttle*, and *James Prescott*, jun. Esquires, *Messieurs John Abbott*, *Jonathan Carver*, and *Charles Proctor*, be, and they hereby are nominated and appointed Trustees of the said Academy, and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Westford Academy*, and they and their successors shall be and continue a body politic and corporate by the same name forever.

Gifts, &c. con-  
firmed to said  
Trustees for  
the use of the  
Academy.

SECT. 2. *And be it further enacted by the authority aforesaid*, That all the lands and monies, and other property and things heretofore given, granted or subscribed, or which, for the purpose aforesaid, shall be hereafter given, granted, devised, bequeathed, transferred, or assigned unto the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the use which in such instrument or instruments shall be expressed; and they the said Trustees shall be further capable of taking, having and holding, in fee simple, by gift, grant, devise, bequest or otherwise, any lands, tenements, hereditaments, or other estate, real or personal, provided the annual income thereof shall not exceed the sum of *five thousand dollars*, and shall apply the rents and profits thereof in such a manner as that the end and design of the institution may be more effectually promoted.

Trustees em-  
powered.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Trustees shall have full power, from time to time, as they shall determine, to elect such officers of the said Academy as they shall judge necessary and convenient, and fix the tenures of their respective offices; to remove any Trustee from the Corporation when in their opinion he shall be incapable, through age or otherwise, of discharging the duties of his office; to fill all vacancies in the Corporation, by electing such persons for Trustees as they shall think fit and best; to determine the times and places of their meetings, the manner of notifying the said Trustees, and the method of electing and removing Trustees; to ascertain the powers and duties of their several officers; to elect preceptors and teachers of said Academy, and to determine their powers and duties, and fix the tenures of their offices; to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the said Academy as to them the said Trustees and their successors shall, from time to time, according to the various occasions and circumstances, seem most fit and requisite, all which shall be

— to choose of-  
ficers, &c.



be observed by the officers, students and servants of the said Academy, upon the pains and penalties therein contained.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Trustees of the said Academy may have one common seal, which they may at pleasure break, alter and renew, and that all deeds signed, sealed with their seal, delivered and acknowledged by the Treasurer or Secretary of said Trustees, by their order, shall, when made in their name, be considered their deed and valid in law; and that the Trustees of said Academy may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same unto final judgment, execution and satisfaction, by the name of *The Trustees of Westford Academy.*

Common seal.

Trustees may sue and be sued.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the number of said Trustees shall not, at any one time, be more than fifteen nor less than nine; five of whom shall constitute a quorum for transacting business; and a majority of the members present at any legal meeting shall decide all questions proper to come before the Trustees; and that a major part of said Trustees shall consist of men who are not inhabitants of the town of *Westford.*

Number of the Trustees limited.

SECT. 6. *And be it further enacted by the authority aforesaid,* That *Zachens Wright, Esq.* be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of said Trustees, and to notify them thereof.

Zach. Wright, Esq. empowered.

[This Act passed September 28, 1793.]

An ACT to empower the Proprietors of the South Meeting-House in the South Parish in *Danvers*, in the County of *Essex*, to raise Money by a Tax on the Pews and such Seats in the said Meeting-House as the Proprietors of said Meeting-House shall think proper, and making Provision for the Dissolution of said Parish.

**W**HEREAS application has been made to this Court by the inhabitants of the south parish in *Danvers*, in the county of *Essex*, representing that many inconveniencies arise to them from their present mode of supporting and maintaining a public teacher of religion, and for paying other charges incidental thereto, and desiring that for the future the same may be done by taxes to be laid on the pews and such seats as the Proprietors of said meeting-house shall think proper, and that said parish may be dissolved:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of said south meeting-house be,

and

Proprietors  
empowered.

and hereby are authorized and empowered to raise by a tax on the pews and such seats in said meeting-house as are above-mentioned, such sum or sums of money as the Proprietors thereof, at a legal meeting called for that purpose, shall vote and agree upon, for the purpose of supporting and maintaining a public teacher of piety, religion and morality; for defraying the ministerial and all other charges incident thereto; and at such meeting to choose all such officers as are or shall be necessary to manage and transact all the business of said propriety.

— further em-  
powered.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Proprietors of said fourth meeting-house be, and are hereby empowered by themselves or their Committee, duly chosen, to cause the pews and seats in the said meeting-house to be valued according to the convenience and situation thereof, and to alter from time to time such valuation as may be found necessary, and to determine what sum each pew or part of a pew and seat shall pay toward the expenses and charges aforesaid, and the time and manner in which the same shall be paid; and if any Proprietor or owner of a pew, or part of a pew or seat shall neglect or refuse to pay the sum or sums assessed thereon for a longer time than twenty days after notice of such assessment having been given him by the Collector, such Proprietor or owner shall pay to the use of said Proprietor, over and above the said tax or assessment, from the expiration of said twenty days, at and after the rate of six per centum per annum on such tax or assessment; and if the same, together with the interest aforesaid, shall not be paid within one year from the expiration of said twenty days, the said Proprietors may and are hereby authorized and empowered, by themselves or their Committee, to sell and dispose of the pew, or part of a pew or seat of such delinquent, in such way and manner as shall be agreed on by said Proprietors; and after deducting from the sale thereof the said tax or assessment, with the interest thereof accruing as aforesaid, and the charges of the sale, the overplus (if any) shall be paid to the person so delinquent. *Provided nevertheless,* That when the Proprietor or owner of any pew or part of a pew or seat shall make a tender of the same to the said Proprietor or their Committee, for the sums the same shall be valued at as aforesaid, and they shall refuse or neglect to accept the same, no further sum shall be deducted out of the sale of said pew or part of a pew or seat, but such only as shall have become due before the making such tender and the charges of sale.

— may sell  
pews for taxes.

Provide.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passing this Act, the said fourth parish shall cease to exist and be a parish, excepting only for the purposes and intents following, that is to say: For settling and fully

Dissolution of  
the fourth par-  
ish.

fully completing all such transactions and accounts relating to the same, and collecting all such sums of money as have heretofore been voted and assessed on the inhabitants thereof, and now remain uncollected, and for making a settlement with their Collector and Treasurer, and to be liable in law for all debts, which as a parish they may now owe, if any such there be; and in case there is not money already voted and assessed, sufficient to pay and discharge such debts, to vote such further sums as may or shall be necessary therefor, and to choose such officers as may be necessary to assess, collect and receive the same, and for holding and managing all lands, tenements and hereditaments already belonging to the inhabitants of said parish, in case the same should not enure and vest in the Proprietors of the said fourth meeting-house as is hereinafter mentioned.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the lands, tenements and hereditaments which do now belong to the inhabitants of said parish for the use of the ministry, or for the use of the said parish, or for any other uses and purposes, shall forthwith enure and be vested in the Proprietors of said fourth meeting-house for the use of the Ministry, or for such other uses and purposes, and in as full and ample a manner as the said inhabitants of said parish had, and would have had, if the said parish had not been dissolved; and the said Proprietors of said fourth meeting-house are hereby constituted and declared to be the successors of said fourth parish in *Danvers*, and shall be vested with all the powers and privileges that precincts or parishes within this Commonwealth are vested with, relative to their agreeing with and settling a public teacher or teachers of piety, religion and morality; and shall likewise be liable to all penalties that parishes or precincts are liable to for their neglect in not settling and supporting such public teacher.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in case there should be no Clerk of said parish in existence, that then all the records, books and papers which did belong to, or any way respect the said inhabitants of said parish, shall be delivered by the person in possession of the same to the Clerk of the Proprietors of said meeting-house, to be carefully and safely kept. And it is hereby made the duty of such Clerk to make out true, correct and attested copies of all such papers and records relating to said parish, at the request of any person desiring the same, he paying to such Clerk the legal fee for copying the same; all which copies, signed and attested by such Clerk, shall be as valid as though said parish had continued, and as though the same had been attested by the Clerk of said parish.

SECT.

Richard Ward,  
Esq. to call a  
meeting.

SECT. 6. *And be it further enacted by the authority aforesaid,* That *Richard Ward*, Esq. be; and he is hereby empowered to issue his warrant, directed to some principal Proprietor of said fourth meeting-house, requiring him to notify and warn the Proprietors thereof to meet and assemble at such time at said meeting-house, as by said warrant shall be appointed, to choose all such necessary officers as by law are required and are usual for Proprietors of real estates to choose at their annual meeting; and that the Proprietors of said meeting-house may at such meeting agree and determine on a time for their annual meetings, and on a mode for calling those and all other occasional meetings, and the place of such meetings.

[This Act passed September 28, 1793.]

### An ACT for naturalizing *Pierre Briamant*.

Preamble.

**W**HEREAS *Pierre Briamant*, resident in *Boston*, in the county of *Suffolk*, has petitioned the General Court that he may be naturalized, and be entitled to all the rights and privileges of a free citizen of this Commonwealth:

Naturalization.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Pierre Briamant*, first taking and subscribing the oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, and entitled to all the liberties, privileges and immunities of a citizen thereof.

Justices shall  
return a certifi-  
cate.

SECT. 3. *And be it further enacted,* That the Justices before whom the said *Pierre Briamant* shall take the oath aforesaid, shall return a certificate of the same into the Secretary's office, to be entered on the records of this Commonwealth, within thirty days from the time they shall administer the same.

[This Act passed September 28, 1793.]

### An ACT to incorporate *Benjamin Greenleaf*, Esq. and others, for the Purpose of establishing a Woollen Manufactory.

Preamble.

**W**HEREAS *Benjamin Greenleaf*, Esq. and others herein after named, have associated themselves together, for the purpose of introducing and establishing a Woollen Manufactory, in the county of *Essex*, and have petitioned the General Court, that they may be made a Body Politic and Corporate, with such powers as may enable them more conveniently and effectually to execute the said purpose: Therefore,

SECT. I.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Benjamin Greenleaf, Esquire, and Philip Aubin, Persons incor-  
 William Bartlett, Richard Bartlett, Offin Boardman, jun. Moses porated.  
 Brown, David Coffin, William Coombs, John Coombs, Mark Fitz,  
 Andrew Frothingham, Jonathan Gage, Abel Greenleaf, John  
 Greenleaf, Michael Hodge, William Peirce Johnson, Nicholas  
 Johnson, James Kettel, Nathaniel Knapp, James Knight, Peter Le  
 Briton, Joseph Moulton, William Noyes, John O'Brien, Theophilus  
 Parsons, James Prince, William Wellshead Prout, Edward Rand,  
 Joseph Stanwood, Ebenezer Wheelwright, and Edward Wigglef-  
 worth, with such other persons as have with them already as-  
 sociated, and all those who may hereafter become Proprietors  
 in the said Manufactory, be, and they are hereby constituted  
 and made a Body Politic and Corporate, by the name of *The*  
*Proprietors of the Newbury-Port Woollen Manufactory*, and by —, their name.  
 that name may sue and be sued, in all actions, real, personal  
 and mixed, to final judgment and execution, and may do and  
 suffer all acts, matters and things, which Bodies Politic may or  
 ought to do and suffer, and may have and use a common seal, and  
 the same may break and alter at their pleasure. *Provided*  
*however*, That any Proprietor, alienating his interest or prop-  
 erty in the said Manufactory, shall thereupon cease to be a  
 member of the said Corporation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Corporation may lawfully be seized and possessed  
 of such real estate as may be necessary or convenient for estab- — allowed the  
 lishing and carrying on the said Manufactory, and also of as possession of re-  
 large a personal estate as shall be actually employed therein, al estate.  
*Provided* such real estate shall not exceed the value of *ten thou-* Proviso.  
*sand pounds*, and the personal estate *eighty thousand pounds*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Corporation shall have full power from time to  
 time, at any legal meeting, to choose a Clerk, who shall be —, their pow-  
 sworn to the faithful discharge of his duty, a Treasurer, and ers in election  
 such Officers, Directors, Agents and Factors, as to the said of officers.  
 Corporation shall appear necessary or convenient for the regu-  
 lation and government of the said Corporation, and for carry-  
 ing into effect the purpose aforesaid, and to establish the ten-  
 ures, duties and compensations of the said Clerk, Treasurer,  
 Officers, Directors, Agents and Factors, and also to make  
 reasonable rules and by-laws for the purposes aforesaid, with  
 reasonable penalties, not exceeding the sum of *ten pounds*,  
 lawful money, thereto annexed, and the same to repeal at  
 their pleasure : *Provided however*, That the same rules and by-  
 laws are not repugnant to the Constitution and laws of this  
 Commonwealth. And this Act, together with all rules, by-  
 laws and other proceedings of the said Corporation, shall be  
 fairly,

fairly, truly and seasonably recorded by the Clerk, in a book or books to be provided and kept for that purpose.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the shares in the said Manufactory shall be numbered in progressive order, beginning at number one; and every original Proprietor shall have a certificate, under the seal of the Corporation, and signed by the Treasurer, certifying his property in such share as shall be expressed in the said certificate. And any share may be alienated by the Proprietor, by deed under his hand and seal, and acknowledged before some Justice of the Peace, and recorded by the Clerk in a book to be kept for that purpose, and not in any other manner, except in the cases hereinafter provided. And any purchaser, shewing to the Treasurer such deed, so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property of such share to be in the purchaser. *Provided however,* That when any Proprietor shall die possessed of any share or shares, the executor of his last will, if there be one, or administrator of his estate, upon producing to the Treasurer the former certificate or certificates, shall be entitled to a new certificate or certificates, executed in form aforesaid, certifying the property of such share or shares to belong to such executor or administrator, who shall hold such share or shares in trust, to be disposed of according to the last will of the deceased Proprietor, or according to the provisions of law. *And provided further,* That any share in the said Manufactory may be attached on original process or levied upon by execution, at the suit of any creditor of the Proprietor of such share by the officer having the process to execute, giving to the Treasurer, or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution such Proprietor's share, at the suit of such creditor, and the officer may proceed to sell at public auction, and execute and acknowledge a deed of such Proprietor's share, in the same manner, and under the same regulations, and not otherwise, as he might by law sell any other chattel of such Proprietor attached or levied upon, at the same time to satisfy the execution of the creditor. And the purchaser producing to the Treasurer a deed, under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser. And the Treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the Proprietors of the said Manufactory, of the several shares of which each Proprietor is owner, and of the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy-Sheriff or Coroner,

Shares to be numbered and certificates given.

— may be alienated.

Prov. 10.

Names of the Proprietors to be recorded, & open to inspection.

oner, having process to execute against any Proprietor, when demanded, upon payment to the Treasurer by such officer, of *one shilling* for each inspection.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time, at any legal meeting, assess upon each share such sum and sums of money as shall be judged by the said Corporation, necessary for raising a capital, for the establishing and carrying on of the said Manufactory, for defraying the expenses thereof, and of other charges incident thereto, to be paid to their Treasurer, at such time or times, or by such installments, as shall be directed by the said Corporation, and may also appropriate the funds of the said Corporation, for erecting mills and work-houses, purchasing engines and raw materials, retaining workmen, and for such other purposes and uses as may be judged by the said Corporation, or by one or more persons by the said Corporation entrusted therefor, most effectual for establishing and supporting the said Manufactory, and for defraying the expenses thereof, and the charges incident thereto. And if the sum assessed on any share shall be in arrear and unpaid, either in the whole or in part, for ten days after the time directed for payment, as aforesaid, the Treasurer shall have full power and authority to sell such share at public auction, to the highest bidder; the time and place of such sale being made public five days at least before such sale, in such manner as the Corporation shall have before directed, by some uniform rule or by-law made for that purpose. And upon such sale, the Treasurer may execute and acknowledge a legal deed thereof, to the highest bidder, which deed being recorded by the Clerk, and produced to the Treasurer, so recorded, he shall give to the purchaser a certificate, executed as aforesaid, certifying that the property of such share is in such purchaser. And the Treasurer shall deduct from the purchase money so much of the said assessment as shall be in arrear, and the reasonable charges of sale, and the residue he shall pay to the delinquent Proprietor, or his order, upon demand, made to the Treasurer for that purpose. *Provided however,* That any delinquent Proprietor, or any other person on his behalf, may at any time before the sale, pay to the Treasurer the sum in arrears, as aforesaid, and the reasonable charges the Treasurer may have been at, in preparing for the sale, and upon such payment the Treasurer shall proceed no further to such sale.

Method for raising money.

Appropriation.

Shares may be sold on which assessments are not paid.

Treasurer to execute deeds in case of such sale.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all dividends of monies arising from the profits of the said Manufactory shall be apportioned upon the several shares equally; that no dividends shall be made, but pursuant to a

Profits to be apportioned equally.

vote

vote of the Corporation, passed at a meeting legally called. And if the Treasurer shall neglect or refuse to pay any Proprietor the dividend in the Treasurer's hands due to such Proprietor on request made, such Proprietor may recover the same, by action at law, against the Treasurer, with double costs of suit.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Clerk for recording any deed shall be entitled to receive from the grantee therein named, *three shillings*, and no more. And the Treasurer shall be entitled to the like sum of money for granting any certificate under the seal of the Corporation, and signed by him. *Provided however,* he shall not be entitled to any fee for any such certificate, when first granted to an original Proprietor.

SECT. 8. *And be it further enacted by the authority aforesaid,* That any three of the said Proprietors, of which the said Benjamin Greenleaf, Esq. shall be one, may by advertisement in the *Impartial Herald*, call the first meeting of the said Corporation, to be holden at any suitable time and place in the said advertisement mentioned, five days at the least after the first publication of such advertisement; and all future meetings of the said Corporation shall be called in such method, and by such officer or officers as the said Corporation shall at their said first meeting, or at any future meeting hereafter direct. And at any and all meetings of the said Corporation, every election, act, vote, order or other proceeding of the said Corporation, shall be made and determined by a majority of the votes given in; and any Proprietor not personally present at any meeting, may vote by his representative present, duly appointed by writing, under the hand of such absent Proprietor, which appointment shall be produced and filed with the Clerk. And no person shall be taken to be a Proprietor qualified to vote at any meeting after the first, either personally or by his representative, unless he hath received from the Treasurer a certificate, under the seal of the said Corporation, and signed by the Treasurer, certifying such Proprietor's property in the said Manufactory, in manner as above in this Act is directed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such may be declared upon and given in evidence in any Court of Law, without specially pleading the same.

[This Act passed January 29, 1794.]



An ACT to incorporate the Plantation of *Sandy River*, with the Inhabitants thereof, into a Town by the Name of *Farmington*.

**W**HEREAS application has been made to this Court by Preamble.  
a number of the inhabitants of the plantation called *Sandy River*, in the county of *Lincoln*, to have said plantation, with the inhabitants thereon, incorporated into a town; and the same being considered of public utility,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Sandy River*, in the county of *Lincoln*, bounded as follows, viz. Beginning at a maple tree, marked on the bank of *Sandy River*, at the south-east corner of said plantation; thence running north eight miles and fifty-six rods, to a beach tree, marked; thence west five miles and two hundred rods, to a bass-wood tree, marked; thence south two miles; thence south thirteen degrees east, three miles; thence south twenty-five degrees east, three miles; thence south thirty-five degrees east, two miles, one hundred and fourteen rods, to a hemlock tree, marked; thence north sixty-seven degrees east, one mile, one hundred and ninety rods; thence north forty-nine degrees east, one mile and ninety rods, to *Sandy River*; thence down said river about half a mile, to the bound first mentioned, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Farmington*, Boundaries.  
and vested with all the powers, privileges and immunities which towns in this Commonwealth do or may by law enjoy. Incorporation

SECT. 2. *And be it further enacted,* That *William Read*, Esq. W. Read, Esq.  
be, and he hereby is empowered to make out a warrant directed to some principal inhabitant of said town, to notify the inhabitants thereof, qualified by law to vote in town affairs, to assemble and meet at some suitable time and place in said town, to choose all such town officers as towns are required by law to choose in the month of *March* or *April* annually. empowered.

[This Act passed February 1, 1794.]

An ACT to set off *Joseph Clarke* and *Jonathan Beals* from the Town of *Cumington*, in the County of *Hampshire*, and to annex them to the District of *Plainfield*, in said County.

**B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Joseph Clarke* and *Jonathan Beals*, of *Cumington*, with their families, together with all the lands lying north of a straight line from the south-east corner of *Plainfield*, to the south-west corner Persons set off.

Proviso.

corner of *Albfield*, be, and hereby are set off from the town of *Cumington*, and annexed to the district of *Plainfield*. *Provided nevertheless*, That the said *Clarke* and *Beals* shall pay all taxes that have been legally assessed on them by the said town of *Cumington*, in like manner as if this Act had not been passed.

[This Act passed February 4, 1794.]

An ACT for dividing the Town of *Sanford*, and for incorporating the North Parish into a distinct District.

Incorporation.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said north parish in the town of *Sanford*, be, and it hereby is incorporated into a district by the name of *Alfred*, agreeable to the present parish lines, and is invested with all the powers, privileges and immunities which towns within this Commonwealth do or may enjoy, excepting that of sending a Representative to the General Court. *Provided nevertheless*, That the inhabitants of said district shall pay their proportion of all such town, State, county and other taxes, as are already assessed upon them in proportion to the last valuation, and shall pay their proportion of all public debts which are now due from said town.

SECT. 2. *And be it enacted by the authority aforesaid*, That the polls and estates in the said district of *Alfred*, that were returned by the Assessors of the said town of *Sanford*, on the last valuation, which then belonged to the said town of *Sanford*, be deducted from the return made by the said Assessors, and be placed to the said district of *Alfred*, until another valuation shall be taken.

To be allowed  
proportion of  
property ;

SECT. 3. *And be it further enacted*, That the inhabitants of the said district shall be entitled to receive their proportion of all monies, lands and other estates, real and personal, now the property of said town, agreeable and in proportion to the last valuation.

and support  
poor.

SECT. 4. *And be it further enacted*, That the inhabitants of said district shall be holden to support their proportionable part of the poor that are now maintained by the town of *Sanford*.

Justice to issue  
warrant.

SECT. 5. *And be it further enacted*, That *John Low*, Esq. be, and is hereby empowered to issue his warrant directed to some principal inhabitant within said district of *Alfred*, requiring him to warn the freeholders and other inhabitants within said district, qualified to vote in district affairs, to assemble at such time and place in said district as he shall appoint, to choose such officers as shall be necessary to manage the affairs of said district.

SECT.

SECT. 6. *And be it further enacted*, That the inhabitants of said district, qualified to vote for Representatives as the Constitution directs, be, and hereby are empowered to join with those of the said town in the election of a Representative or Representatives to serve in the General Court, who may be an inhabitant of said town or district; and the meeting for choosing such Representative or Representatives shall be holden in said town and district alternately, beginning with the town of *Sanford*; and the Selectmen of each are hereby empowered to appoint the time and place of such meeting, where the same by this Act is to be holden, in the town or district respectively; and the Selectmen of the town or district appointing the time and place of such meeting shall give fifteen days notice to the other Selectmen in writing, under their hand, of the time and place appointed for that purpose, to the intent that the Selectmen so notified may issue their warrant to the constable or constables of the town or district, as the case may be, to warn the inhabitants thereof to meet at the time and place appointed for that purpose.

[This Act passed *February 4, 1794.*]

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An ACT to incorporate the Plantation of *Bridgton*, in the County of *Cumberland*, into a Town, by the Name of *Bridgton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, viz. Beginning at a pine tree at the east corner of *Fryburgh* and running south twenty-five degrees east, nine miles, to a stone set into the ground; thence east twenty-five degrees north, six miles and one half, to a stone set into the ground; thence north, twenty-five degrees west, nine miles, to a stone set into the ground; thence west, twenty-five degrees south, to the first mentioned bounds, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Bridgton*: And the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Enoch Perley*, Esq. be, and he is hereby empowered and required to issue his warrant to some suitable inhabitant of the said *Bridgton*, requiring him to warn the qualified inhabitants thereof to meet at some convenient time and place, to choose such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed *February 7, 1794.*]

An

An ACT to prevent damage being done to the Beach and Meadows on the South Side of the Town of *Edgartown*, in the County of *Duke's County*, and to the Creeks adjoining thereto, by Cattle, Sheep and Horses passing over the same, and for preserving the Fish in the said Creeks.

Damage for-  
bidden within  
a limited time.

Penalty.

Provido.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, it shall not be lawful for any person whatever to turn out, feed or let run at large any neat cattle, sheep or horse kind upon said beach or meadow, eastward of a south direction from the point of land called *Job's Neck*, to a place called *Wagua Point*, from the fifteenth day of *April* to the first day of *October* annually, upon the penalty, for each offence, of *three shillings* a head for all neat cattle and horse kind, and *six pence* a head for all sheep so turned out, fed or let run at large on the beach or meadow aforesaid, to be sued for and recovered by and to the use of any Proprietor of the said beach, meadow or creeks, before any Justice of the Peace within and for the county aforesaid, by action of debt. *Provided*, That the Proprietors and owners of the said beach, meadow and creeks, and the lands adjoining said beach, shall be holden to maintain and keep in usual repair the fence from *Short Neck*, so called, to a place called *Mattakeffet Bay*.

[This Act passed *February 11, 1794*.]

March 22,  
1793.

Clause repeal-  
ed.

Provido.

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, between the Towns of *Haverhill* and *Bradford* in the County of *Essex*, and for supporting the same."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the clause of the said Act which limits to the proprietors of the said bridge, their heirs and assigns, a term of fifty years therein, shall be, and hereby is repealed; and the Proprietors of the said bridge, when built pursuant to the said Act, their heirs and assigns, shall hold the same in fee simple, any thing in the said Act to the contrary notwithstanding. *Provided*, That at and after the expiration of thirty years from the first opening of such bridge, the rates of toll to be taken for passing the same shall and may from time to time be regulated by the Legislature of

of this Commonwealth, at their discretion ; *provided also*, said Proprietors shall keep said bridge in good and convenient repair, and shall be subject to all the other regulations contained in said Act of incorporation.

[This Act passed February 12, 1794.]

## An ACT to incorporate a Society by the Name of *The Massachusetts Historical Society*.

**W**HEREAS the collection and preservation of materials for a political and natural history of the United States is a desirable object, and the institution of a Society for those purposes will be of public utility :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Baylies, Esq. Jeremy Belknap, D. D. the Rev. Alden Bradford, Peleg Coffin, Esq. Manassah Cutler, D. D. John Davis, Esq. Daniel Davis, Esq. Aaron Dexter, Doctor in Physic, the Rev. John Elliot, Nathaniel Freeman, Esq. the Rev. James Freeman, the Rev. Thaddeus Mason Harris, Isaac Lothrop, Esq. George Richards Minot, Esq. the Rev. John Mellen, jun. Thomas Pemberton, William Dandridge Peck, the Rev. John Prince, Ezekiel Price, Esq. James Sullivan, Esq. David Sewall, Esq. Peter Thacher, D. D. William Tudor, Esq. Samuel Turell, Dudley Atkins Tyng, Esq. James Winthrop, Esq. Thomas Walcutt, Redford Webster, and William Wetmore, Esq. who have associated for the purposes aforesaid, and have requested an Act of incorporation, be, and hereby are formed into, and constituted a Society and Body Politic and Corporate, by the name of *The Massachusetts Historical Society*; and that they and their successors, and such other persons as shall be legally elected by them, shall be and continue a body politic and corporate by that name forever.

Persons incor-  
porated.

Name.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Members of said Society shall have power to elect a President, and all other necessary officers; and that the said Society shall have one common seal, and the same may break, change and renew at pleasure; and that the same Society, by the name aforesaid, as a Body Politic and Corporate, may sue and be sued, prosecute and defend suits to final judgment and execution.

Power of elect-  
ing officers.

Seal.

SECT. 3. *And be it further enacted*, That the said Society shall have power to make orders and by-laws for governing its members and property not repugnant to the laws of this Commonwealth; and may expel, disfranchise, or suspend any member, who by his misconduct shall be rendered unworthy.

Power of mak-  
ing laws.

SECT. 4. *And be it further enacted*, That the said Society may, from time to time, establish rules for electing officers and members,

Allowed to hold and convey estate.

members, and also times and places for holding meetings; and shall be capable to take and hold real or personal estate, by gift, grant, devise or otherwise, and the same or any part thereof to alien and convey: *Provided*, That the annual income of any real estate by said Society holden, shall never exceed the sum of *five hundred pounds*; and that the personal estate thereof, besides books, papers and articles in the museum of said Society, shall never exceed the value of *two thousand pounds*.

Number of members limited.

J. Sullivan, Esq. to call meeting.

SECT. 5. *And be it further enacted*, That the number of members of said Society shall never be more than sixty, (excepting honorary members residing without the limits of this Commonwealth)—and that *James Sullivan*, Esq. be, and hereby is authorized and empowered to notify and warn the first meeting of said Society, and that the same Society, when met, shall agree upon a method for calling future meetings, and may have power to adjourn from time to time as may be found necessary.

SECT. 6. *And be it further enacted*, That either branch of the Legislature shall and may have free access to the library and museum of said Society.

[This Act passed February 19, 1794.]

### An ACT for settling the Line between *Littleton* and *Boxborough*.

Boundary line.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a line drawn from a heap of stones in the road, twenty-one rods and a half southerly of the house of *John Robbins*, of said *Littleton*, and running easterly in a straight line about three miles to the corner of the town of *Acton*, at a heap of stones, shall be, and hereby is established as the dividing line between the said town of *Littleton* and the district of *Boxborough*, under the restriction and with the provision as to certain persons and estates herein made.

SECT. 2. *And be it further enacted by the authority aforesaid*, That all those persons who were inhabitants of the said town of *Littleton*, included by the line aforesaid, within the said district of *Boxborough*, and who did not according to an Act made in the year of our Lord one thousand seven hundred and eighty-three, entitled, “An Act for erecting a district in the county of *Middlesex*, by the name of *Boxborough*,” return their names, their polls and their estates, within twelve months from the passing of the same Act, into the office of the Secretary of the Commonwealth, signifying their desire to become inhabitants of the said district of *Boxborough*, shall, with the lands they improved at the time of passing the same Act, with their said estates, during the time of their improving of the same, belong to said *Littleton*: and that where there has been, or shall be a transfer of the same estates,

estates, either by grant, devise or descent, the persons to whom such transfer has been or shall be made, and their successors, may apply to the said district of *Buxborough* to become members thereof; and whenever on such application the Clerk of said district of *Buxborough*, upon the vote of the inhabitants of the said district at a legal meeting, shall enter the name of any such person as an inhabitant, and transmit a certificate of such vote to the Clerk of the town of *Littleton*, such person shall from thenceforward with his polls and estate lying in said *Buxborough*, be deemed and taken to belong to said *Buxborough*: *Provided*, That when there shall be a State, county or town tax ordered to be assessed, the said persons and estates shall be taxed thereto in the town where they shall actually belong, at the time of ordering or assessing such tax, their changing their inhabitancy in manner aforesaid notwithstanding. And also that whenever a change of inhabitancy shall take place agreeably to this Act, the Clerk of the town of *Littleton* shall transmit to the Secretary's office a certificate thereof, in order that the same may be taken into consideration by the Legislature in apportioning future State taxes, on the said town of *Littleton* and district of *Buxborough*.

[This Act passed February 20, 1794.]

An ACT to set off *Joel Brooks* from the Town of *Winchendon*, and to annex him and his Estate to the Town of *Gardner*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Joel Brooks*, with his estate, be, and hereby is set off from the town of *Winchendon*, in the county of *Worcester*, and annexed to the town of *Gardner*, in said county. *Provided always*, That the said *Joel Brooks*, with the estate he now owns in the town of *Winchendon*, shall be holden to pay his proportion of all taxes now granted, and of all State and county taxes, which may be granted prior to the settlement of another valuation in this Commonwealth, to the town of *Winchendon*, in the same manner as if this Act had never passed.

[This Act passed February 20, 1794.]

An ACT to set off *James Damon* and *Abiel Damon*, with certain Lands, from the Town of *Norwich*, and for annexing them to the Town of *Chesterfield*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *James Damon* and *Abiel Damon*, with  
 Vol. I. 3....O their

their families and estates, together with the lands belonging to *Seth Tayler, James Peirce, and John Ewell*, of said *Chesterfield*, lying in *Norwich* east of *Westfield River*, and north of the east branch of said river, be, and hereby are set off from the said town of *Norwich*, and annexed to the town of *Chesterfield*, in the county of *Hampshire*, and shall hereafter be considered as part of the same, there to do duty and receive privileges accordingly.

SECT. 2. *Provided nevertheless*, That the said *James Damon* and *Abiel Damon*, together with the afore said lands, shall be holden to pay such taxes as are already assessed or ordered to be assessed by said town of *Norwich*, in the same manner as they would have been if this Act had not passed.

[This Act passed *February 22, 1794.*]

An ACT for setting off *Samuel Brown*, of *Needham*, in the County of *Norfolk*, from the East Parish, and annexing him to the West Parish, in said *Needham*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Samuel Brown*, and his estate, belonging to the east parish in *Needham*, be, and hereby is set off from the said east parish, and annexed to the west parish in said *Needham*, and shall forever hereafter be considered as belonging to and making part of the same.

[This Act passed *February 22, 1794.*]

Additional  
Acts, June 12,  
1800, March  
6, 1801.

An ACT for incorporating the several Religious Societies in *Newbury-Port*, in the County of *Essex*.

Religious Soci-  
eties incorpora-  
ted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the members of the several Religious Societies in *Newbury-Port*, in the county of *Essex*, be, and they hereby are incorporated and declared severally to be Bodies Politic and Corporate forever, by the following names, viz. The members of the Religious Society there, whereof the Rev. *Thomas Cary* and *John Andrews* are Ministers, by the name of *The First Religious Society in Newbury-Port* : The members of the Religious Society there, now destitute of a Minister, but whereof the Rev. *John Murray*, deceased, was late Minister, by the name of *The Presbyterian Society in Newbury-Port* : The members of the Religious Society there, whereof the Rev. *Samuel Spring* is Minister, by the name of *The Third Religious Society in Newbury-Port* : The members of the Religious Society there, whereof the Rev. *Charles William Milton*

is



is Minister, by the name of *The Fourth Religious Society in Newbury-Port*; and the members of the Religious Society there, whereof the Rev. *Edward Bais* is Minister, by the name of *The Episcopal Church in Newbury-Port*.

SECT. 2. *And be it further enacted*, That the members of each of said Religious Societies (including said Episcopal Church) respectively qualified by law to vote in town or parish meetings, shall and may assemble, and meet together in the month of *March* or *April* annually, (and after choosing Moderators, who shall have the same power to regulate the respective meetings that Moderators in town meetings have) may proceed to choose by ballot or otherwise, as they may agree, Clerks to enter and record all the votes and transactions of said Societies in their meetings respectively, Treasurers, Assessors and Committees, (which Committees may be the same with the Assessors) to manage their prudentials, and Collectors of taxes, and other needful officers; and shall have power at such, or at any meetings duly called, (and which may be called by said Assessors or Committees, when they shall see fit, or shall be requested to call the same, as is hereafter mentioned) to agree and contract with any teacher or teachers of piety, religion and morality, and vote and raise monies for his or their settlement and support, and for the support and decent performance of public worship in said Societies, and incidental charges, and such repairs of their houses of worship as they may think proper to make at the expense of said Societies; and also any monies to satisfy any grant they may have occasion to make, as a consideration for any such teachers releasing, by mutual agreement, any contract made with any of said Societies, and quitting the ministry, or any grant they may think proper to make any widow or children, of any deceased Minister; all which monies may be assessed, either wholly on the pews in their houses of public worship, or partly on them, and partly on the polls and estates of such members as usually attend public worship therein, as they may agree, and in such proportion as shall be voted at such meetings. And the Church Wardens of said Episcopal Church, chosen at their annual meetings, from time to time, shall have all the powers that Committees have, in said other Societies, if no persons are specially chosen at such meetings of said church as Committees.

SECT. 3. *And be it further enacted*, That the Assessors first chosen under this Act shall number, appraise and value the pews in their said houses of public worship respectively, according to their situation and rank, and make a list of such valuation, and keep the same in the office of the Assessors, to be delivered to their successors; and the sums voted from time to time to be laid on the pews, shall be assessed and apportioned

Meetings established.

—, their powers.

Powers of Church Wardens.

— of Assessors.

ed thereon by the Assessors for the time being, according to such valuation, until a new one shall be voted by said Societies to be made, and which shall thereupon be made by the Assessors for the time being as aforesaid : And said Assessors shall assess the sums voted to be laid on the polls and estates on the polls of such as were usual worshippers in said Societies respectively on the first day of *May* next, preceding the time of making such assessment, and upon their estates whereof they were possessed on the same first day of *May*, according to the rules prescribed in the then last tax Act for assessing public taxes, saving that said Societies may vote such sum to be laid on the poll as they may think proper ; and said Assessors may overlay a sum, not exceeding ten per cent. for abatements, and to avoid fractions ; and they shall make lists of said assessments on polls and estates in the same manner and form as town Assessors are required to make them, inserting therein the taxes on pews, in a separate column, to be signed by them, or the major part of them, and shall deliver the same, with warrants in form prescribed by law, for collecting town taxes, *mutatis mutandis*, for collecting the same signed as aforesaid, but to which no seal shall be necessary, inserting a clause therein, authorizing and requiring said Collectors to collect said taxes upon pews, and to pay in the same according to the directions of their warrants, and to observe the directions of law in collecting the same, and in the sale of pews, where such sale may be necessary, and keep copies of such lists and warrants, and their valuation of estates in their office, and deliver them to their successors ; and said Assessors shall have the same power to make abatements that town Assessors have, and all persons thinking themselves over rated, shall have the same remedy as in the case of an over rate in a town tax.

SECT. 4. *And be it further enacted*, That such Collectors, to whom such taxes, with warrants as aforesaid, shall be committed, shall have the same power to collect said taxes on polls and estates, as town Collectors have by law, and shall observe the same directions in collecting and paying over the same, according to their warrants, which they are holden to observe ; and shall also have power to demand and receive said taxes on pews, of and from the owners or occupants thereof, and shall be held to pay over the same as aforesaid ; and if payment thereof is neglected to be made for thirty days after notice and demand given and made by said Collectors, to the owners or occupants, where known and living in said town, or posted up at some door of said houses, when unknown or not living in said town, of all which such Collectors' oaths shall be admitted as sufficient evidence ; such Collectors shall have power to sell such pews at public sale in said town, to the highest bidder ; notice of such intended sale being given four days  
at

— of Collect-  
ors.

at least after the expiration of said thirty days, and before the times of sale, by posting up written notifications at the doors of said houses of public worship respectively, of the times and places of sale, and mentioning therein the pews to be sold and their numbers, and to make and execute proper deeds to convey the same to the purchasers, which shall give them good titles thereto, and to all the owner's interest and share in the lands under and adjoining such houses, in fee ; and if any overplus remain upon such sale, the same shall be immediately paid to the owners, after the taxes and all legal charges are deducted.

And any person chosen at any legal meeting of any of said Societies to the office of Collector, shall, if present, forthwith declare his acceptance or refusal, and in case of non-acceptance, said Society so met shall proceed to a new choice, and so from time to time, till one shall accept and be sworn : And any person present so chosen, who shall not declare his acceptance, or being chosen, whether present or not, having no reasonable excuse, shall neglect to take the oath of office for seven days next after notice of his being so chosen, given him by the Clerk, who is hereby required forthwith to give such notice, shall forfeit and pay the sum of *three pounds*, to the use of the Society, to be recovered in the same way as fines are to be recovered for not serving the office of Constables in towns ; and in case of such refusal, said Societies may, at any meeting, choose another Collector in the room of such person refusing ; and they may also, from time to time, choose new Collectors in the room of old ones, and to complete their collections, in all cases where towns may do the same, in all which cases, lists of such outstanding taxes, with warrants to collect the same, shall be made out and delivered to them by the Assessors, for the time being, in manner and form aforesaid, by force whereof they shall have the same power to collect such taxes, as such former Collectors had, and to sell the pews of delinquent owners, observing the same directions ; and no person exempted by law from serving the office of parish Collector, shall be held to serve that office in said Societies : And such Collectors shall receive for their services such sums as said Societies shall vote and agree, or otherwise, as shall be agreed on by the Assessors, with them.

Collectors to declare their acceptance or refusal.

Forfeiture in case.

Compensation for services.

SECT. 5. *And be it further enacted*, That the Treasurers of said Societies respectively, shall have power to demand and receive of their respective Collectors, all sums committed to them to collect as aforesaid, and to issue executions against delinquents, in manner and form as town or parish Treasurers may, and they shall pay and dispose of said monies agreeably to the votes of their Societies, and account annually for the same.

Treasurer's powers.

SECT.

SECT. 6. *And be it further enacted*, That the Clerks, Assessors and Collectors, chosen from time to time by said Societies, shall, before they enter upon the execution of their offices, take the following oath, viz.

Oath, YOU being chosen for the in *Newbury-Port*, for the year do swear, that you will faithfully discharge all the duties of that office, in all things whereto the same hath relation, according to law. So help you GOD.

how and by whom to be administered. Which oath shall be administered to the Clerk by the Moderator, or by some Justice of the Peace, in the meeting, immediately upon the choice, and before any further business shall be transacted; a record whereof being made by such Clerk, and by whom the oath was administered, shall be legal and sufficient evidence thereof: And the said oath of office may be administered to said other officers, either by the Clerk, or by a Justice of the Peace.

Previous contracts binding. SECT. 7. *And be it further enacted*, That all contracts heretofore made by any of said Societies with their Ministers or others, shall devolve, and be binding upon them by their names, and in their corporate capacities aforesaid. And the said Societies respectively are hereby made and declared capable of suing and being sued, by their corporate names aforesaid, upon such contracts, and for all debts due either before or after their incorporation to or from them, and may appoint agents to appear for them, to prosecute or defend such suits, a certificate whereof, given by their Clerk, shall be legal evidence of such appointments.

Allowed to hold real and personal estate SECT. 8. *And be it further enacted*, That said Societies severally and respectively be, and they hereby are declared to be capable of taking and holding, by their several names, and their corporate capacities aforesaid, by gift, grant, purchase, devise, legacy or otherwise, any estate, real or personal, for the settlement and support of public teachers of piety, religion and morality in their respective Societies, and for the support and decent performance of public worship therein, and other purposes aforesaid: *Provided* the annual profits and incomes of such estates, in any one of such Societies, does not exceed one thousand pounds.

Proviso. SECT. 9. *Be it further enacted*, That said Presbyterian Society by that name, and in their said corporate capacity, shall be deemed and taken in law to be and stand seized in fee simple, and in possession, to all intents and purposes, of a lot of land adjoining on Federal Street and Orange Street, in said *Newbury-Port*, and the house and other buildings, thereon, heretofore purchased and built by them, for the use of their Ministers; and that each of said Societies may purchase and hold lands in said town, and erect buildings thereon for the same purpose, the property and fee whereof shall always be in said Societies respectively. SECT.

Presbyterian Society to possess certain lands.

SECT. 10. *And be it further enacted,* That all the inhabitants of said *Newbury-Port* shall be and hereby are entirely exempted and freed from paying taxes, either for their polls or estates, lying within the bounds of said town, towards the payment of any charges or expense for the settlement or support of any teacher or teachers of piety, religion and morality, or support of public worship in any other place or Society therein, than that wherein they usually attend public worship.

Inhabitants to pay taxes only where they worship.

And every person who at the time of the passing of this Act usually attends public worship in either of said Societies, shall be deemed a member of the same so long as he shall so attend; and any such person intending to leave such Society shall give notice to the Clerk thereof in writing; which notice shall be recorded in the Society's book of records, upon the doing whereof, and upon his leaving such Society, he shall, from and after the last day of *April* then next ensuing, be exempt from taxation therein for his poll and estate, until he shall return and become a member again.

What constitutes a member.

SECT. 11. *And be it further enacted,* That such of said inhabitants of said *Newbury-Port* as shall usually attend public worship in any parish without the bounds of said town, and they only, and for such time only as they shall thus attend, shall be held to pay their proportion of taxes towards the settlement and support of the minister or ministers of such parish, and other parish charges therein, in such way and manner as they would be liable to do, if they and their estates lying in said *Newbury-Port* were within the limits of the parish in which they shall attend, and without the bounds of said *Newbury-Port*.

Method of paying taxes out of the funds of the town.

SECT. 12. *And be it further enacted,* That any Justice of the Peace in said county be, and he is hereby empowered to issue his warrant, directed to some principal member of each of said Societies respectively, requiring them to notify and warn meetings of their respective Societies, at suitable times and places, therein to be mentioned, for the choice of such officers and transaction of such business as by this Act they are authorized to choose and transact; and such meetings shall be warned by posting up copies of such warrants and notifications thereon, signed by the persons to whom they shall be directed, to meet at the times and places, and for the purposes mentioned in such warrants, at the doors of their respective houses of public worship, three days at least before the times appointed for said meetings respectively, or where there are any existing Committees in any of said Societies, chosen therein for the year last past, they, or the major part of them, shall have power to warn the first meetings of their respective Societies under this Act; and the Church Wardens of said church last chosen shall have like power to call the first meeting of that Society in manner and form aforesaid; and all the persons aforesaid, empowered to warn such

Justice to issue warrant to call meetings.

Church Wardens to call a meeting.

first

first meetings, shall make returns thereof on some one of such notifications, or a copy thereof, at or before the times of said meetings. And the Assessors or Committees of said Societies respectively, then and from time to time thereafter chosen, or the major part of either of them, shall have power to call future meetings of their respective Societies, by posting up at the doors of their respective houses of public worship written notifications expressing the times, places and business of said meetings, three days at least before the times appointed therefor, and shall make returns thereof as aforesaid; and all notifications and returns shall be filed and recorded by said Clerks respectively. And when ten or more qualified voters shall, in writing under their hands, request the Committee or Assessors either to insert any article for any matter or thing, in the warning they shall give for the next meeting, or to call a meeting on purpose to act upon such matter or thing, it shall be the duty of said Committee or Assessors to comply with such request; and upon their refusal, such meeting may be called, upon like request, by any Justice of the Peace in the county: And no Act or vote at any meeting shall be valid, or have any legal effect or operation, unless the subject matter thereof be inserted in the warning or notification of the meeting.

Proprietors to elect officers.

SECT. 13. *And be it further enacted*, That the Proprietors of the several houses of public worship aforesaid respectively, be, and they hereby are empowered, at any legal meeting or meetings of said Proprietors respectively, from time to time, to choose like officers with those in this Act before-mentioned, and by major vote to raise, by an assessment upon pews in such houses, any monies they may judge necessary for repairing, finishing or altering the same.

Power to sell, convey & purchase.

And the Proprietors of the house of public worship of said first religious Society may, by major vote, as aforesaid, at any legal meeting, if they think proper, sell and dispose of in fee, their land under and adjoining their said house, together with said house, and purchase other land elsewhere in said town, for the purpose of erecting a new house of worship thereon, in such way and manner as they may vote and agree upon, and shall be held to pay such of said Proprietors as do not choose to be interested in purchasing such other land, and building thereon, their just proportion (according to the then last valuation of the pews) of the sum for which their said land, under and adjoining the said house of public worship, together with said house, may be sold, and may sell, divide or dispose of the pews and seats in such new building as they may think proper. And such monies shall be assessed and collected in the same manner by the Assessors and Collectors of said Proprietors, and paid over to their Treasurers; and the same rules and directions shall be therein observed, as are in and by this Act before prescribed for the

Manner of assessing and collecting of monies.

the assessment and collection of monies laid on pews, for the support of public teachers; and their Treasurer shall have the same power as the Treasurers of said Societies by this Act have, to enforce payment of such taxes, and shall pay and account for the same, agreeable to the votes and orders of the Proprietors; and at all such meetings the Proprietors shall have power to vote in person, or by attorney; and the votes shall always be collected and numbered according to the interest of the Proprietors present in the meeting, in person or by attorney; and the Clerks, Assessors and Collectors of such Proprietors respectively, shall be sworn in manner and form aforesaid.

SECT. 14. *And be it further enacted*, That the first meetings of said Proprietors respectively, shall be called by warrants as aforesaid, from any Justice of the Peace in said county, directed to some one member of each of said Proprietors respectively, who shall have power to warn the same, and make return thereof in manner and form aforesaid. And all future meetings of said Proprietors shall be called by their respective Committees or Assessors, or the major part of either of them, and return thereof made in manner and form aforesaid. First meetings how called.

SECT. 15. *And be it further enacted*, That all laws heretofore made, to enable the Proprietors of any of said houses of public worship, to raise monies to defray ministerial and other necessary charges, be, and they hereby are repealed, saving that they shall be and remain in full force, with respect to the assessment and collection of all taxes already voted to be assessed and collected, and with respect to all matters and things duly begun but not fully completed, under and by force of them. Laws repealed; excepting —

This Act passed *February 22, 1794.*]

## An ACT to incorporate the Proprietors of *St. Peter's Church* in *Salem*, in the County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same*, That the Proprietors of *St. Peter's Church*, and of the land under and adjoining the same, in *Salem*, in the county of *Essex*, shall be, and they are hereby incorporated and made a Body Politic and Corporate, by the name of *The Proprietors of St. Peter's Church*, and are and shall be capable and liable to purchase and hold any lands or tenements, goods or chattels, and to sue and be sued in any actions, real, personal or mixed; and otherwise to do and suffer as other Bodies Politic generally may: *Provided*, that the whole estate, real and personal, of the said Corporation shall not at any time exceed the annual value of *three hundred pounds*, besides their Church, Proprietors of St. Peter's Church incorporated.  
and Provide,

and shall be no otherwise used or employed than in the support of a Religious Society, and the offices of public worship and Christian charity.

Time of holding their meetings for choice of officers, and other purposes. SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Corporation shall hold their first meeting on Easter Monday next, and shall afterwards, annually, hold a meeting on the Easter Monday of every year, for the choice of a Clerk, Treasurer, Wardens and Vestry, and of such other officers for the government of the said Corporation and the management of their affairs, civil and religious, as the Proprietors present at such annual meeting shall see fit to appoint; and who may also at such annual meeting agree upon and establish the powers and authorities which the said Wardens, Vestry and other officers shall and may hold and exercise, and all other rules and regulations respecting the calling and holding of meetings, the assessment and collection of taxes for the repairs of the church, and the support of public worship, and the better ordering of the affairs of the said Corporation; and such annual meeting may be adjourned by the Proprietors who shall be present until the business proposed to be acted thereat shall be completed: And at such annual meeting, and at any other meeting to be called and notified as the Proprietors shall agree, they may, fill any vacant office, and repeal and amend their rules and regulations at their discretion, and may vote any sum or sums of money to be assessed upon the pews of said Church, or otherwise, as the Proprietors shall and may agree, for the repairs of the Church, and the support of public worship: *Provided*, that previous notice, in one religious meeting at the least, shall be given of all matters to be transacted at any meeting of the said Proprietors. And the said Corporation shall have a common seal, which they may break, alter and renew at their pleasure.

Method of valuing pews and paying taxes. SECT. 3. *And be it further enacted by the authority aforesaid,* That the pews and seats in said Church shall be duly valued from time to time by the said Proprietors, or by any Committee who shall be appointed by them, respect to be had to the situation and other conveniences of such pews and seats; and all taxes for the support of a minister, repairs of the Church, and other expenses of public worship, shall be assessed according to such valuation, to be paid by the owners or occupants; and in default of payment for one year after public notice of any assessment, the pew or seat upon which such deficiency arises shall revert to the Corporation, and may be sold in such way and manner as they shall agree.

[This Act passed February 24, 1794.]



An ACT to divide the Town of *Frankfort*, in the County of *Hancock*, and to erect the southerly Part of it into a new Town by the Name of *Prospect*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the southerly part of the town of *Frankfort*, in the county of *Hancock*, contained within the following boundaries, to wit: Beginning at the bay of *Belfast*, on a brook Boundaries. called the *Half-Way Creek*, and following said creek up to the north-west corner of the town of *Belfast*; from thence running due north to a pond called *Goose Pond*, where there is a spruce tree marked on four sides; from thence due east to *Marsh River*; then down said river to *Penobscot River*, and on said *Penobscot River* to *Fort Pownal*, so called; from thence on *Penobscot River* or *Bay*, to the first mentioned bounds, together with *Brigadier's Island*, so called, and all the inhabitants within the above described lines, be, and they hereby are divided from the town of *Frankfort*, and incorporated into a separate town by the name of *Prospect*, with all the privileges and immunities of Prospect incorporated. other towns in this Commonwealth: *Provided*, That all State, county and town charges which may be due from the inhabitants of that part of the town of *Frankfort* which is hereby set off, shall be collected and paid in the same manner as if said town of *Prospect* was not hereby incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Simeon Fowler*, Esq. be, and he hereby is authorized and empowered to issue his warrant to some suitable person in said town of *Prospect*, requiring the inhabitants of said town to meet at such time and place as he shall appoint, to choose such officers as towns are by law empowered to choose at their annual meetings in *March* or *April*. And said *Simeon Fowler*, Esq. is further empowered to issue his warrant to some suitable person in the town of *Frankfort*, requiring him to warn the inhabitants of said town to meet at such time and place as he shall appoint, to fill up such vacancies as may happen in the offices of the said town of *Frankfort*, in consequence of this Act. Simeon Fowler, Esq. to issue his warrant.

[This Act passed February 24, 1794.]

An ACT to incorporate the Plantation called *Sowerdabcook*, with Part of the Town of *Frankfort*, into a separate Town by the Name of *Hampden*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Sowerdabcook*, and the northerly part of the town of *Frankfort*, included within the

Boundaries.

the following boundaries, to wit : Beginning at the north-east corner of the northerly line of the *Waldo* patent, so called, on *Penobscot River*, and bounded on the south by the northerly line of said patent, running six miles on said line ; from thence running north, ten degrees east, till it comes to the town of *Bangor* ; thence on said line to *Penobscot River*, and thence bounded on the said river to the first mentioned boundary, together with the inhabitants thereof, be, and hereby is incorporated into a town by the name of *Hampden*, and the inhabitants of said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy : *Provided however*, That all State, town and county charges, which may be due from that part of said town which is hereby set off from the town of *Frankfort*, shall be collected and paid in the same manner as if this Act had not been made.

Hampden incorporated.

Simeon Fowler, Esq. to issue his warrant.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Simeon Fowler*, Esq. be, and hereby is authorized and empowered to issue his warrant to some suitable inhabitant of the said town of *Hampden*, requiring such person to notify the inhabitants of said town to meet at such time and place as he shall appoint, to elect such officers as towns are by law empowered to choose, at their annual meetings in *March* or *April*.

[This Act passed *February 24, 1794.*]

An ACT for incorporating a Number of Inhabitants in the County of *Berkshire*, into a Religious Society, by the Name of *The First Baptist Society in Sandisfield.*

Persons' names who are incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nathaniel B. Dowd, William Munley, Ezekiel Fargo, Samuel Heath, Aaron Heath, Levi Soper, Joseph Wentworth, John Jones, John Jones, jun. Abner Chafflin, Perrygreen Smith, Joshua Chafflin, Levi Heath, Ira Heath, Paul Sears, Robbins Kilbourn, Jabez Holden, Jeremiah Comstock, Peirly Chafflin, Daniel Baker, John Phelps, Joshua Emmins, Cornelius Cone, Elisha Smith, Thomas Helman, Samuel Chappel, Abner Miller, Jarvis Barker, and Isaac Chappel of Sandisfield ; Samuel Thompson, Gideon Joslyn, Israel Alden, Benjamin Heath, Asaph Morse, Asa Joslyn, Jesse Morse, Jareel Thompson, Moses Morse, Abel Benedict, Silvanus Harris, Asa Wadsworth, Samuel Thompson, jun. Samuel Wheelock, Levi Wheelock, Levi Wadsworth, Hssea Brown, David Brewer, and Israel Baker of Tyringham ; Solomon Shepard, Samuel Norton, David Baldwin, Daniel Shepard, Hurel Price, Nathaniel Shepard, Amos Chappel, Jonathan Forsyth, Joseph Chappel, Thomas Muxen,*

*Maxen, Alexander Knap, Abel Baker, William Morse, Thomas Wilcox, Joseph Burchard, and Thomas Shepard of New-Marlborough; Seth Morse, William Denton, Aaron Lawrence, William Ray, Daniel Chapman, Perrygreen Comstock, Elnathan Minor, Ebenezer Comstock, Hezekiah Bowls, and Phineas Atwood of Great Barrington, in the county of Berkshire, are hereby incorporated into a parish or religious Society, by the name of The First Baptist Society in Sandisfield, with all the privileges, powers and immunities, which parishes in this Commonwealth do or may by law enjoy.*

SECT. 2. *And be it further enacted by the authority aforesaid, That Solomon Robbins, Esq. be, and he hereby is authorized to issue his warrant, directed to some principal member of said Society, requiring him to warn the members of the said Society qualified to vote in parish affairs, to assemble at some suitable time and place mentioned in said warrant, to choose all such officers as parishes by law are required to choose, in the month of March or April annually.*

Warrant to be issued.

[This Act passed February 25, 1794.]

An ACT for incorporating a Number of Inhabitants of the Town of *West-Stockbridge*, in the County of *Berkshire*, into a distinct and separate Religious Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Wilson, Ephraim Slaughter, Abijah Smith, Nathaniel Galusba, Shubael Wilson, John Loyd, Jonas Standish, Farring Wilson, Francis Esland, John Brown, Samuel Darling, Nathaniel Rawson, Samuel Lane, Stephen Chatfield, Daniel Spencer, Elisha Hooper, Moses Parmele, Christopher Winter, John Winter, Samuel Hutchinson, Matthew Hutchinson, David Hutchinson, John Gore Esland, John Esland, John Mikler, Asabel Lusk, Joseph A. Turner, Eliku Crane, Thomas Benedict, Peter Bree, Nicholas Bree, Christopher Park, Thomas Dolen, John Benedict, members of the said religious Society, together with their poils and estates, be, and they are hereby incorporated, by the name of The Baptist Religious Society in West-Stockbridge, with all the privileges, powers and immunities, which other parishes in this Commonwealth are by law entitled to.*

Persons incorporated.

SECT. 2. *And be it enacted by the authority aforesaid, That Thomas Lusk, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and*

Thomas Lusk, Esq. to issue his warrant.

and place in said town of *West-Stockbridge*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually, and to transact all matters and things necessary to be done in said Society.

[This Act passed *February 25, 1794.*]

Additional Act,  
March 4, 1800.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Fore River*, between *Portland* and *Cape Elizabeth*, and for supporting the same.

Preamble.

**W**HEREAS the erecting a bridge over the river between *Portland* and *Cape Elizabeth* will be of great public utility, and *William Vaughan* and others have petitioned this Court for an incorporation :

Proprietors in-  
corporated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Vaughan, Jesse Partridge, James Webb, Archelaus Lewis, John Quimby, Peleg Wadsworth, Trisram Jordan, Thomas Cuts, Risbworth Jordan, jun. Samuel Culef, Joseph McLellan, Joshua Fabyan, Jeremiah Hill, Samuel Scammon, Nathaniel Scammon, Matthias Rice, Josiah Libbey, Seth Libbey, Dominicus Goodwin, and Isaac Skillen, be, and they are hereby constituted a Corporation and Body Politic, for the purpose of building a bridge over the river called Fore River, between Portland and Cape Elizabeth, so long as they shall continue to be Proprietors in the fund to be raised for that purpose, together with all those who are or shall hereafter become Proprietors of the said fund, under the name of The Proprietors of the Portland Bridge, and by that name may sue and prosecute, be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things, which Bodies Politic may and ought to do and suffer, and that the said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.*

Name.

May sue and  
be sued.

Person to warn  
a meeting.

Majority pre-  
sent to transact  
business.

Provide.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said William Vaughan, Peleg Wadsworth, and Joseph McLellan, or any two of them, may, by advertisement in either of the newspapers published in Portland, call a meeting of the said Proprietors, to be holden at any proper place, after fifteen days from the publication of said advertisement ; and the Proprietors by a vote of the majority of those present or represented at the said meeting, (accounting and allowing one vote to each single share, provided that no one Proprietor shall have more than ten votes in any case) shall have power to transact any business for the benefit of said Corporation, provided it is not repugnant to the Constitution or laws of this Commonwealth.*

wealth. And this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk in a book or books for that purpose.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors for the monies by them expended or that may hereafter be expended in building and supporting said bridge, a toll be, and is hereby granted and established for the sole benefit of said Proprietors, according to the rules following, that is to say: For each foot passenger, *two cents*; for each person and horse, *six cents*; for each chaise, for each fulkey, or for each sleigh drawn by two horses, *twelve cents and one half*; for each coach, chariot, phaeton or curricule, *twenty-five cents*; for each waggon, cart, sled or other carriage of burthen, drawn by one or two beasts, or for each sleigh drawn by one horse, *eight cents*, and for each additional yoke of cattle in the same team, *two cents*; and for each wheel-barrow, hand-cart or other vehicle capable of carrying a like weight, with one person, *three cents*; for neat cattle or horses, exclusive of those rode on, or in carriages, or in teams, *two cents* each; for sheep and swine at the rate of *eight cents* the dozen. And to each team one person and no more shall be allowed as a driver to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open. And the said toll shall commence on the day of the opening said bridge for passengers, and shall continue for the benefit of the said Corporation forever; *provided*, that after the term of thirty years, the rate of toll shall be subject to the regulations of Government.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said bridge shall be well built, at least thirty feet wide, of good and suitable materials, and be well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers, and the same shall be kept in good, safe and passable repair. And the Proprietors, at the place or places where the toll shall be collected, shall erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon in large or capital letters.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said Proprietors shall build and keep a convenient and sufficient draw or passage-way, at least twenty-eight feet wide, at some place in the said bridge proper for the passing and re-passing of vessels by day and by night through the said bridge; and shall also build and maintain in good repair, a suitable pier or wharf upon each side of said bridge, and adjoining the draw, sufficient for vessels to lie at; and the said draw shall be lifted for all vessels without toll or pay, except for

Toll established.

—, rates of.

—, its commencement.

Provido.

Bridge how built.

Sign exposed.

Draw.

Pier.

for boats or vessels passing for pleasure. And all vessels intending to pass said draw shall be free of charge at the wharf or pier, until a suitable time shall offer for passing the same.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the bridge shall be built at a place called *Bramball's Point*, in *Portland*, and land at or near *Jacob Brown's* farm, in *Cape Elizabeth*, as may be determined on by a majority of the Proprietors.

SECT. 7. *And be it further enacted,* That unless said bridge shall be completed within six years from the passing this Act, this Act shall be void.

[This Act passed February 25, 1794.]

An ACT for incorporating the Inhabitants of the Southerly Part of the Town of *New-Marlborough*, in the County of *Berkshire*, into a separate Parish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of *New-Marlborough*, in the county of *Berkshire*, with their families, together with the lands and estates south of a line drawn east and west through the centre of the said town, be, and they are hereby incorporated into a separate parish by the name of *The South Parish in New-Marlborough*, with all the powers, privileges and immunities, which other parishes in this Commonwealth are entitled to by law.

SECT. 2. *Be it enacted by the authority aforesaid,* That *Ebenzer Smith*, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal inhabitant within the said *South Parish*, requiring him to warn the inhabitants thereof, qualified by law to vote in parish meetings, to assemble at some suitable time and place in said parish, to choose such officers as parishes are empowered to choose in the month of *March* or *April* annually, and to transact all matters and things necessary and lawful to be done in the said parish.

SECT. 3. *Be it further enacted,* That if any person or persons in either parish of the said town of *New-Marlborough* shall be inclined to join with his or their families to the other parish in said town, and shall lodge a certificate thereof with the Secretary of this Commonwealth, within five months from the time of passing this Act, he or they, with their families and estates, shall be considered as belonging to such parish as aforesaid.

[This Act passed February 25, 1794.]

An

An ACT to incorporate the Plantation of *Washington*,  
in the County of *York*, into a Town by the Name  
of *Newfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, viz. Bounded on the north by the town of *Parsonfield*, on the east Boundaries. by *Limeric*, on the south by *Shapleigh*, and on the west by the State of *New-Hampshire*, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Newfield*: And the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do or may enjoy by law.

SECT. 2. *And be it further enacted by the authority aforesaid*, That *Joseph Gilpatrick, Esq.* be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Newfield*, requiring him to warn the inhabitants thereof, qualified as the law directs to vote in town meeting, to meet at some convenient time and place to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually. Warrant to issue.

[This Act passed February 26, 1794.]

An ACT incorporating a Society by the Name of *The Trustees of the Baptist Education Fund*. Additional Act, Jan. 22, 1799, fixing the annual meeting on the last Wednesday in May.

**W**HEREAS a number of persons, in behalf of themselves and others, of the Baptist denomination, have petitioned, and it appears to the General Court expedient, that they, their associates and successors, be incorporated into a Society, for the purpose of assisting in the education of young persons of their own denomination for the ministry:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Samuel Stillman, Doctor of Divinity, Hezekiah Smith, William Williams, Jonathan Maxcy, Isaac Backus, Noah Alden, Isaiah Parker, Thomas Baldwin, Thomas Green, Joseph Grafton, and George Robinson*, Clerks; Messrs. *Robert Rogers and Benjamin Morgan Stillman*, and their successors, be, and they are hereby incorporated into a Society by the name, style and title of *The Trustees of the Baptist Education Fund*, and shall so be and remain forever, and by the same name, style and title may sue and prosecute, and be sued and prosecuted to final judgment and execution. Persons incorporated. Name.

SECT.

**Powers.** SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Society shall have power to make a common seal, and alter the same at pleasure, and to make by-laws, for the preservation and advancement of said body, which shall not be repugnant to the laws of this Commonwealth.

**May possess estate.** SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Society shall be, and hereby are made capable in law of receiving any grants or devises of lands or tenements, in fee simple, or for a less estate, and any donations and bequests of money, or other personal estate, from any person or persons whatever, and to use and improve the same for the purposes and according to the directions herein mentioned: *Provided,* That the rents of the real estate, together with the income of the personal estate of said Society, shall not annually exceed the sum of one thousand pounds.

**Proviso.** SECT. 4. *And be it further enacted by the authority aforesaid,* That all grants, donations, devises and bequests of any real or personal estate to the said Society shall be used and improved to the best advantage, and the annual income thereof shall be applied to the assistance of such young persons in their education for the Baptist ministry, as the Trustees of said Society, or a majority of all, shall determine to be fit subjects thereof: *Provided nevertheless,* That the said Trustees, or a majority of them, if at any time they should think fit, may increase their capital by loaning a part of the said income at interest, or by purchasing real estate therewith; and may at any time bestow a part of the principal of their personal estate, in assisting young persons as aforesaid, if consistent with the directions of the donor.

**Appropriation.** SECT. 5. *And be it further enacted,* That the said Society, when ten of them, at least, shall deem it most for its advantage, may sell and dispose of in fee simple or otherwise, all or any of its real estate, and loan at interest the proceeds thereof, or invest the same in such funds, personal estate, or other real property, as they may judge will be most for its advantage: *Provided always,* That the interest and income of the loans and property wherein such proceeds may be invested, shall always be applied to the same use whereto the income of the estate sold was before applicable.

**May sell and loan.** SECT. 6. *And be it further enacted by the authority aforesaid,* That all deeds, grants, covenants and agreements to be made for or in behalf of the said Society, shall be executed under the common seal of the same, and by such person or persons as the said Society or a majority thereof shall appoint.

**Deeds how executed.** SECT. 7. *And be it further enacted by the authority aforesaid,* That the said Society or Trustees shall not exceed thirteen in number, who shall be elected by the *Warren Association*, so called, unless the same should hereafter be dissolved, in which case the

**Number of Trustees limited.**



the said Society shall be, and hereby are invested with all the powers of filling their vacancies, which are conferred by this Act on the Association aforesaid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said Society shall meet in the town of *Boston*, annually, on the day next after the last Wednesday in *May*, and at such other times and places within this Commonwealth as the Society shall judge proper: And at the annual *May* meetings, the said Society may choose all such officers as they shall deem necessary; and seven of the said Trustees shall constitute a quorum to do business, in all such cases wherein a greater number are not required by this Act.

[This Act passed February 26, 1794.]

An ACT for setting off from the Town of *Cheshire*, in the County of *Berkshire*, three Lots of Land, with the Inhabitants thereon, and for annexing the same to the Town of *Windsor*.

**W**HEREAS it appears to this Court, that by the incorporating Act of the said town of *Cheshire*, lots No. *Forty-Four*, *Forty-Five* and *Fifty-Two*, were through mistake incorporated with said town: Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said lots No. *Forty-Four*, *Forty-Five* and *Fifty-Two*, with the inhabitants living thereon, formerly belonging to the town of *Windsor*, be, and they hereby are set off from the said town of *Cheshire*, and annexed to the town of *Windsor*. Lots of land & inhabitants set off.

[This Act passed February 26, 1794.]

An ACT to incorporate a Religious Society, by the Name of *The Methodist Society in the first Parish of Lynn*, in the County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Benjamin Johnson*, *Micajah Newhall*, *Enoch Mudge*, *Henry Hollowell*, *Moses Goodridge*, *David Walker*, *Eleazer C. Richardson*, *James Newhall, jun.* *John Messervey*, *Zachariah Atwell*, *Ezra Allen*, *John Breeden*, *Daniel Newhall, jun.* *Daniel Lindsey*, *Burrell Devereux, jun.* *Holton Johnson*, *James Sealand*, *John Newhall*, *Nathaniel Newhall*, *Thomas Browler*, *William Farrington*, *Ames Farrington*, *William Farrington, jun.* *Thomas Farrington*, *James Williams*, *Rand Greaves*, *James Nourse*, *Abijah Ramsdell, jun.* *John D. Atwell*, *Daniel Parrott*, *Daniel Gallusba*, *Samuel Green*, *Eleazer C. Ingalls*, *Samuel H. Green*, Persons incorporated.

Green, Michajah Burrell, Theophilus Bacheller, Benjamin Burrell, Abijah Ramsdell, Jonathan Rhodes, Samuel Collins, Samuel Fearn, James Fearn, Daniel Newhall, Henry Burchsted, Theophilus Hollowell, Hansen Newhall, John Irefon, Robert Mansfield, Nathan G. Pratt, Rufus Mansfield, John M. Mansfield, Levi Goudey, Rufus Mansfield, jun. Ezra Brown, Daniel Watts, Allen Newhall, Tomson Burrell, Robert Spinney, James Pratt, Nathan Sargent, Abner Ingulls, James Bacheller, Joseph Johnson, Benjamin Johnson, jun. Thomas A. Breed, Timothy Johnson, Joseph Johnson, jun. Timothy Newhall, Daniel Parrott, jun. Joseph Parrott, William P. Kentisbear, Benjamin Parrott, Benjamin Alley, jun. Richard Pratt, Benjamin Parrott, jun. Rufus Parrott, Ebenezer Kenney, William Lewis, Ebenezer Burrell, Nathan Mudge, Timothy Munro, Samuel Bacheller, John L. Johnson, Timothy Newhall, jun. Nathaniel Lewis, John Lewis, Edmund Lewis, Benjamin Lewis, Daniel Ingulls, Henry Richards, Joseph Lewis, Jonathan Ingulls, James Lewis, John Ingulls, Joseph Blaney, Daniel Chace, Daniel Fuller, Joseph Fuller, Richard Whitmore, Susannah Burrage, Samuel Burrell, Richard Richards, Joseph Richards, Isaac Proctor, Edmund Clark, Nathaniel Lewis, Eleazer Ingulls, Ephraim Brown, Samuel Irefon, Nathaniel Ingulls, Edmund Ingulls, jun. John Ingulls, jun. Samuel Ingulls, Amos Starker, James Parrott, Samuel Martin, Shadrach Ramsdell, Henry Ingulls, William Ramsdell, John Nickels, Ebenezer Newhall, jun. Thomas Cheever, jun. Joseph Breed, jun. Raphael Wheeler, Theophilus Breed, Joel Breed, Nehemiah Ramsdell, Benjamin Spinney, Foster Newhall, Susannah Flagg, Ebenezer Newhall, Benjamin Newhall, jun. Ebenezer Mansfield, Ephraim Alley, Jonathan Mansfield, Aaron Newhall, members of a religious Society in the town of Lynn, in the county of Essex, and all others, inhabitants of said town who shall become members of the said Society by the purchase or other ownership of a pew or seat in their meeting-house, or by usually worshipping with such Society, and thereupon obtaining a vote of admission as a member, by the Society, at a legal meeting for that purpose, shall be, and they and their successors hereby are incorporated and made a Body Politic and Corporate, by the name of *The Methodist Society in the first Parish of Lynn*, and shall have and enjoy, so long as they shall usually support and maintain a public teacher of piety, religion and morality, all and singular the privileges and immunities of a religious Society, and the powers and authorities of a parish, for the assessment and collection of any taxes which shall be voted and agreed to be levied by such Society, at a regular meeting for the support of their institution of public worship and any uses of Christian charity. And the said Society, if they see cause, may assess and levy their taxes, or any part thereof, upon the pews or seats of their meeting-house, and may agree upon any method of

Name of the  
Society.

Empowered to  
raise taxes,

of recovering the same, by the sale of such pew or seat, which shall be thought just and convenient at the time when such assessment shall be ordered. And the said Society may elect annually, and at any other time in case of vacancy, and as they shall agree, a Clerk and Treasurer, and any other officers which they shall find necessary for the conduct of their affairs, and may sue, and shall be liable to be sued, by their corporate name, and thereby shall pursue, answer and defend in any suit : *Provided*, that no person not herein named, shall be considered as a member of the said Corporation, until it shall be certified by the Clerk thereof to the Clerk of the parish or town wherein such person is, at the time holden for parish taxes, and such certificate delivered accordingly. *And provided also*, That any member of said Society, leaving with the Clerk or Treasurer thereof a certificate in writing, of his intention to withdraw therefrom, shall not be liable in person or estate, to pay any proportion of any tax thereafter voted and assessed by said Society, but shall be considered as a member of the parish in which he resides.

SECT. 2. *And be it further enacted*, That John Carnes, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of said Society, requiring him to warn the first meeting of the members qualified to vote in their affairs, to be holden at some convenient time and place, for the choice of a Clerk and Treasurer, and any other officers which shall be necessary, and to agree upon a method of calling future meetings, and to transact any other matter respecting the affairs of said Corporation, which shall be set forth in such notification.

and elect officers.

John Carnes, Esq. to issue warrant.

[This Act passed February 26, 1794.]

An ACT in addition to an Act, entitled, "An Act to incorporate a Number of Inhabitants of the Towns of Rochester and Middleborough, in the County of Plymouth and Freetown, in the County of Bristol, into a separate Precinct, by the Name of The Congregational Precinct in Rochester, Middleborough and Freetown."

March 22, 1793.

**W**HEREAS by said Act it was enacted, that the third parish in Rochester should continue to have existence for one year after the passing of said Act, for certain purposes therein mentioned, which time is found by experience to be insufficient for the intended purposes :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the existence of the said third parish in Rochester shall

Existence of the parish extended.

shall be continued until the twenty-third day of *March*, in the year of our Lord one thousand seven hundred and ninety-five, with corporate powers to enforce the collection of taxes, recovery of their just demands, and payment of their debts.

Clerk and Treasurer authorized for certain purposes.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Clerk and Treasurer of said Congregational Precinct, respectively and successively, be authorized to receive the records and papers severally belonging to the offices of the Clerk and Treasurer of said third parish, as soon as the corporate existence thereof shall cease; and that the Clerk and Treasurer of said precinct, for the time being, be severally authorized to grant, and officially and legally to attest all copies therefrom, that may hereafter be found necessary, by any request whatever.

[This Act passed February 26, 1794.]

Sept. 28, 1793.  
June 19, 1798.

An ACT in addition to an Act, entitled, “An Act to incorporate the East Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill*.”

Towns to assemble jointly to elect Representatives.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That until the said town of *Gill* shall have a sufficient number of rateable polls to entitle them to send a Representative, they shall assemble and meet at said *Greenfield*, and with the qualified inhabitants thereof unite in choosing a Representative to serve in the General Court of this Commonwealth, who may be chosen either from the town of *Greenfield* or the town of *Gill*; and the said towns of *Greenfield* and *Gill* shall contribute towards payment of the wages of their Representatives thus chosen, in the same rate and proportion as they are assessed in the last general valuation.

Selectmen to give notice.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Selectmen of said *Greenfield* shall annually, at least twenty days previous to their meeting for the choice of a Representative as aforesaid, give notice to the Selectmen of said town of *Gill* of the time and place of such meeting; any law of this Commonwealth to the contrary notwithstanding.

[This Act passed February 26, 1794.]

An ACT in addition to an Act, entitled, "An Act to regulate the catching of Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same within this Commonwealth, and for repealing several Acts heretofore made for that Purpose."

March 4, 1790.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all pecuniary fines or forfeitures for the breach of an Act passed in the year of our Lord one thousand seven hundred and ninety, entitled, "An Act to regulate the catching salmon, shad and alewives, and to prevent obstructions in *Merrimack River*, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that purpose," which by the said Act are set at more than *four pounds*, may be recovered by indictment, either in the Supreme Judicial Court or Court of General Sessions of the Peace in the county where the offence shall be committed.

Method of recovering fines and forfeitures.

SECT. 2. *And be it further enacted by the authority aforesaid,* That where any person or persons shall be convicted in either of the said Courts, of erecting or continuing any obstructions or incumbrance in or across any of the rivers or streams mentioned in the said Act, so as to prevent the free passage of the said fish up and down the said rivers and streams, the Court before whom such conviction shall be, besides rendering judgment for such fine and cost, shall order such obstruction or incumbrance to be removed, and the materials thereof to be sold at vendue, to pay the expense of such removal, with the officer's fees, and if the same shall not be sufficient, may order the deficiency to be raised and levied on the goods and chattels of the person or persons convicted of erecting or continuing the same; and the warrant for removal shall be directed to the Sheriff, Deputy-Sheriff or Coroner of the same county, as the case may require.

SECT. 3. *And be it further enacted,* That the fines and forfeitures which shall be recovered by indictment, pursuant to this Act, shall be wholly to the use of the county in which the recovery shall be, towards discharging the expenses of such county; any thing in the said Act whereto this addition is made to the contrary notwithstanding.

[This Act passed February 26, 1794.]

An

Feb. 16.

An ACT for continuing an Act made in the Year of our Lord One thousand seven hundred and eighty-nine, entitled, "An Act to prevent the Destruction of the Fish called Shad and Alewives, in *Mistic River*, so called, within the Towns of *Cambridge*, *Charlestown* and *Medford*, and for repealing all Laws heretofore made for that Purpose," and also for extending the said Act to the Towns of *Woburn* and *Malden*.

Act continued.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Act, in every article and clause, matter and thing, shall continue and be in force after the first day of *March* next; any thing in the said Act to the contrary notwithstanding.

Towns extended to.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Act shall extend to the towns of *Woburn* and *Malden*, in the same manner as it would have extended in case the said towns had been expressly named in the said Act.

[This Act passed *February 27, 1794.*]

An ACT for the Naturalization of *Henry Huetson Pentland*.

Person naturalized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Henry Huetson Pentland*, upon his taking the oaths of allegiance and abjuration required by the Constitution of this Commonwealth, and the oaths for supporting the Constitution of the United States of America, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as though he, the said *Henry*, had been an inhabitant within this State at the time of making the present form of civil government.

SECT. 2. *And be it further enacted,* That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

[This Act passed *February 27, 1794.*]

An

An ACT incorporating the Rector, Wardens and Vestry of the Episcopal Church, in *Dedham*, for certain Purposes.

**W**HEREAS doubts have arisen whether the Rector, Wardens and Vestry of said Church, or any other persons, are legally vested with authority to make and execute good and sufficient deeds or leases of land belonging to said Church; and also whether the said Rector, Wardens and Vestry are legally vested with authority to sue for and recover any debts that may be legally and justly due to said Church:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Montague*, Rector; *George Clark* and *Jesse Richards*, Wardens; *Timothy Richards*, *Jeshua Kingsbury*, *John Palmer*, *William Crebore*, and *Noah Kingsbury*, Vestry-men of said Church, and their successors in office, are and shall be deemed so far a Body Corporate, under the name of *The Episcopal Church in Dedham*, as to sue for and to recover all debts now due or which may hereafter become due to said Church; and also to sue and defend in all other actions in which said Church may be concerned.

SECT. 2. *And be it further enacted,* That the Rector, Wardens and Vestry of said Church, and their successors in office, be, and they are hereby empowered to lease for term of life or number of years, conformable to the vote of the Proprietors, any lands, tenements and hereditaments, belonging to said Church, to any persons that shall apply for the same; and also to make and execute a good and sufficient deed in law, of a piece of land given to said Church, by *Samuel Colburne*, deceased, sufficient for the situation of a Court House, and other public buildings for the use of the county of *Norfolk*, if wanted therefor.

[This Act passed February 27, 1794.]

An ACT for incorporating certain Persons for building a Bridge over *Back-Cove River*, between *Portland* and *Falmouth*, and for supporting the same.

**W**HEREAS the erecting a bridge over the river between *Portland* and *Falmouth* will be of great public utility, and *Thomas Smith* and others have petitioned this Court for an incorporation:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Thomas Smith*, *Peter Thatcher Smith*, *Moses Plummer*, *William Cobb*, *Enoch Ilsey*, *Daniel Ilsey*, *James Lunt*, and *Enoch* Proprietors incorporated.

Name.

*Enoch Moody, Nathaniel Coffin, and Ebenezer Mayo, be, and they are hereby constituted a Corporation and Body Politic, for the purpose of building a bridge over Back-Cove River, between Portland and Falmouth, so long as they shall continue to be Proprietors in the fund to be raised for that purpose, together with all those who are or shall hereafter become Proprietors of the said fund, under the name of The Proprietors of Back-Cove Bridge; and by that name may sue and prosecute, be sued or prosecuted to final judgment and execution, and do and suffer all other matters and things, which bodies politic may and ought to do and suffer; and that said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.*

Persons authorized to call a meeting.

SECT. 2. *And be it further enacted by the authority aforesaid, That William Cobb, Lemuel Weeks, and James Lunt, or any two of them may, by advertisement in either of the newspapers published in Portland, call a meeting of the said Proprietors, to be holden at any proper place, after fifteen days from the publication of said advertisement; and the Proprietors by a vote of the majority of those present or represented at the said meeting, accounting and allowing one vote to each single share, (provided, that no one Proprietor shall have more than six votes in any case) shall have power to transact any business for the benefit of said Corporation, provided it be not repugnant to the Constitution or laws of this Commonwealth. And this Act, and all rules, regulations and votes of said Corporation, shall be fairly and truly recorded by the Clerk in a book or books for that purpose.*

Toll established.  
—, rates of.

SECT. 3. *And be it further enacted by the authority aforesaid, That for the purpose of reimbursing said Proprietors, the monies by them expended, or that may hereafter be expended, in building and supporting said bridge, a toll be, and is hereby granted and established for the sole benefit of said Proprietors, according to the rules following, that is to say: For each foot passenger, two cents; for each person and horse, six cents; for each chaise or fulkey, drawn by one horse, ten cents; for each sleigh, drawn by one horse, six cents; for each sleigh drawn by two horses, seven cents; for each coach, phaeton or curricule, twenty cents; for each cart, waggon, sled or other carriage of burthen drawn by one or two beasts, seven cents; and for each additional yoke of cattle in the same team, one cent; and for each wheelbarrow, hand-cart, or other vehicle capable of carrying a like weight, with one person, three cents; for neat cattle or horses other than those rode on or in carriages or teams, two cents each; for sheep and swine at the rate of six cents the dozen; and to each team one person and no more, shall be allowed as a driver, to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open, and*



and the said toll shall commence on the day of the opening said bridge for passengers, and shall continue for and during the term of thirty years, after which term it shall be subject to the regulation of Government.

SECT. 4. *And be it further enacted by the authority aforesaid,* That said bridge shall be well built, at least thirty feet wide, of good and suitable materials, and be well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and the same shall be kept in good, safe and passable repair. And the Proprietors at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the place where the bridge shall be built, shall be from Sandy Point in Portland, to Secomb's Point in Falmouth, and so constructed as not to prevent the water flowing the flats westward of said bridge.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said Proprietors shall neglect for the space of six years from the passing this Act, to build and erect said bridge, then this Act shall be void and of no effect.

[This Act passed February 27, 1794.]

An ACT for dividing and separating the Interest or Propriety in the Locks and Canals, opening and proposed to be opened on *Connecticut River*, in the County of *Hampshire*, called the Upper and Lower Canals.

Feb. 23, 1792.

**W**HEREAS the Proprietors of the Locks and Canals on *Connecticut River*, in the county of *Hampshire*, have by their petition represented to this Court that it is expedient, for the better effecting the purposes of their incorporation, that there should be a division of the proprietary interest of the Northern Canal, from that of the Southern Canal, on said river, and prayed for a separate incorporation :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the propriety in the Locks and Canals between the head of the falls at *South Hadley*, and the mouth of *Chicabee River*, called the Lower Canals, be separated from the propriety of those between the mouth of *Deerfield River*, and the head of *Miller's Falls*, called the Upper Canals : That the Proprietors in the said Lower Canal aforesaid, remain a Corporation, in all respects in future, the same in regard thereto as they are

at

at present ; and that the Proprietors who now are or hereafter may be in the said Upper Canals by virtue of this Act, shall be a separate and distinct Corporation.

SECT. 2. *Be it enacted*, That *Samuel Henshaw*, of *Northampton*, *Jonathan Dwight*, of *Springfield*, and *Benjamin Prescott*, of *Northampton*, Esquires, with such other members of the former Corporation, and such other their associates as shall join them, as hereby is after provided for making and completing the same Locks and Canals, shall be, and hereby are incorporated into a separate and distinct Corporation, by the name of *The Proprietors of the Upper Locks and Canals on Connecticut River, in the County of Hampshire*, and that they the said *Samuel Henshaw*, *Jonathan Dwight*, and *Benjamin Prescott*, Esquires, with their associates and successors, Proprietors of such proposed Canals and Locks, and in such funds, lands and real estate, as are proposed to be raised and purchased, and as shall be raised and purchased, for effecting the purpose of making and completing the same Locks and Canals, shall be a Corporation forever, under the name aforesaid, and by that name may sue and prosecute, be sued and prosecuted to final judgment and execution, may make and have a common seal, and the same may break and alter at their pleasure ; and they shall be, and hereby are vested with all the powers and privileges, which by law are incident to Corporations.

And in order to ascertain such associates and their shares in the same Locks and Canals, as far as may be at present,

SECT. 3. *Be it enacted*, That the whole interest in the same Locks and Canal, be divided into five hundred and four shares, and that the said *Samuel*, *Jonathan*, and *Benjamin*, and each and every other of the Proprietors, who with them were named in the former Act, and still retain their interest therein, and the assignees of any of those who have transferred their interest, shall have equal right with the said *Samuel*, *Jonathan*, and *Benjamin*, to hold and retain their interest and share in the same Locks and Canals, or such proportion thereof as they shall claim to hold and carry on under the present Act ; *provided* they ascertain such claim, and in what proportion they will engage to carry on the same, and that the same exceed not their former proportion or share : *And provided also*, they ascertain the same by certificate under their hands, to be lodged with the Clerk of the other Propriety or Corporation within sixty days from the passing of this Act, the same to be delivered over to the Clerk of the present Propriety or Corporation, as soon as such Clerk shall be duly chosen and qualified. *Provided also*, That where any Proprietors or persons interested either by grant or purchase, in any shares in the said Locks and Canals, or the privileges granted by the former Act of incorporation respecting them, live without the limits of this Commonwealth,

Commonwealth, the share, interest or privilege of any such person in the present proposed Locks and Canals shall not be affected, prejudiced or altered by this Act, but the same and all agreements touching the same, shall be and remain as if this Act had not been made.

SECT. 4. *Be it further enacted*, That all other shares and proportions in the same Locks and Canals not claimed, secured and reserved as aforesaid, shall be open and free for any and every person of reasonable ability that may desire and subscribe for any number of such shares, not exceeding twenty-four shares, which such subscriber shall be entitled to, on filing a certificate in writing, under his hand, with the Clerk of said Propriety, ascertaining the number of shares he will carry on, until the whole number of shares shall be taken up. And that every such subscriber shall be entitled to such shares on subscription as aforesaid, without any premium, purchase or condition, further than contributing his proportion of expenses, that have been or may be incurred respecting the same Locks and Canals.

SECT. 5. *And be it further enacted*, That the said Samuel, Jonathan and Benjamin, with their said associates, shall be, and hereby are invested with all the rights, powers and privileges, and subjected to all the duties, regulations and conditions, in regard to the upper Locks and Canals that the said original Proprietors were invested with, or subjected to, by virtue of the said original Act of incorporation, and by the after Act of the General Court made in addition thereto; and that every clause, paragraph, article, provision and regulation in either of the said Acts contained, shall be extended to take place, be applied and be in full force in every respect, in regard to the present Proprietors, in the same manner they would have done to the original Proprietors, if the same business had been proceeded in, and carried on by them under such former Acts.

Proprietors invested with certain powers.

SECT. 6. *And be it further enacted*, That all lands and other real estate, which the Proprietors under this Act shall purchase, which shall be necessary or convenient for executing the purpose aforesaid, shall be considered as within the same provision with such estate, purchased for like purpose, under the former Acts, and shall be deemed and considered to all intents and purposes as personal estate, and as such with the other interest in said Canal, shall be transferable by such mode of transfer as the said Proprietors at their meeting shall agree on and determine.

Lands purchased considered as personal estate.

SECT. 7. *And be it further enacted*, That in all transactions of the Proprietors in their meetings, respecting the said Locks and Canals; the votes shall always be regulated and determined by the interest in the following ratio, that is to say, every Proprietor holding from one share to three shares, inclusive, shall have one vote; from four shares to six shares, inclusive, shall have two votes; from

Votes how determined.

from seven to ten shares, inclusive, shall have three votes; and for every ten shares above ten, shall have one additional vote; *provided* no one Proprietor shall have more than ten votes.

Contracts, &c.  
to remain valid.

SECT. 8. *And be it further enacted*, That all agreements and contracts that have been heretofore made between any of the said original Proprietors or their assigns, and any other persons, respecting either or both the said Canals, shall remain in full force and effect in the same manner as if this Act had not been made.

[This Act passed *February 27, 1794.*]

An ACT to prevent the taking of Fish near the Dam at the Canal at *South-Hadley Falls* in *Connecticut River*.

Restrictions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person or persons at any time hereafter shall take any salmon or shad within one hundred rods of any part of the dam in *Connecticut River*, near the Canal at *South-Hadley*, with any net, seine, pot, scoop-net, or any other instrument or machine whatever; and if any person or persons shall take or catch any salmon or shad, contrary to the true intent and meaning of this Act, each person so offending, shall, for every such offence, forfeit and pay a fine of *four pounds*.

Forfeiture.

Nets, seines, &c.  
forfeited.

SECT. 2. *And be it further enacted*, That all nets, seines, or other instruments or machines used in taking salmon or shad as aforesaid, shall be, and hereby are forfeited to any person or persons who shall prosecute for the same, with costs of suit, to his or their own use, upon complaint or information to any Justice of the Peace in and for the said county of *Hampshire*, who may thereupon issue his warrant to seize the same, to be kept until trial of the said complaint or information, which the said Justices are hereby fully authorized to hear and determine.

How recovered,

and appropriated.

SECT. 3. *And be it further enacted*, That all sums of money forfeited by any breach of this Act shall and may be sued for and recovered by action or information, with costs of suit, before any Justice of the Peace within the county of *Hampshire*; and one half of such fine shall enure to him or them who shall sue or prosecute for the same, and the other half thereof for the use of the county of *Hampshire*; and any person or persons aggrieved at the sentence of any Justice of the Peace, given in pursuance of this Act, may appeal therefrom to the next Court of General Sessions of the Peace to be holden in said county.

Proviso.

SECT. 4. *Provided always*, That nothing in this Act shall be construed to justify the erecting or continuance of the said dam, but the propriety of erecting and continuing the same whenever this may be called in question shall be determined on the same principles as though this Act had never been made.

[This Act passed *February 27, 1794.*]

An

An ACT to incorporate the Plantation of *Francisborough*, in the County of *York*, into a Town by the Name of *Cornish*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same,* That the following described tract of land, viz. Beginning at a pine stump, standing on the bank of *Great Ossipee River*, at the mouth of *Stoney Pond Brook*, which is the north-easterly bound of *Parsonfield*; thence down said *Ossipee River* to the mouth of the same, where it empties into *Saco River*; thence down *Saco River* to a hemlock tree marked, being the north-westerly boundary of *Lymington*; thence south by the needle three hundred and seventy-six rods by *Bradbury's* grant, so called, being part of *Lymington*, to a large hemlock tree, being the south-westerly corner of said grant; thence by said *Lymington* as that is incorporated, viz. south twenty-five degrees west, to the north-easterly boundary of *Limerick*, being a beach tree marked; thence west-south-west by said *Limerick* as *Limerick* is incorporated, to the north-west boundary of said *Limerick*, being a hornbine tree marked, distance about one thousand and eighty rods; from thence north-easterly by *Parsonfield* as *Parsonfield* is incorporated, to the bound first mentioned, distance about five and a half miles, containing about twelve thousand acres, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Cornish*, and the said town is hereby invested with all the powers, privileges and immunities, which other towns in this Commonwealth do, or may enjoy by law.

Boundaries incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *Thomas Parson*, Esq. be, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Cornish*, requiring him to warn the inhabitants thereof, qualified as the law directs to vote in town-meeting, to meet at some convenient time and place to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

Thomas Parson to issue a warrant.

[This Act passed February 27, 1794.]

An ACT to establish an Academy in the Town of *Portland*, by the Name of *Portland Academy*, in the County of *Cumberland*, and to create a Corporation of Trustees for the same.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good as the basis upon which the safety and happiness of a free people

Preamble.

people ultimately depend : And whereas *Samuel Freeman*, Esq. and others have petitioned this Court for the establishment of an Academy in *Portland*, in the county of *Cumberland*, for that purpose :

Academy established. **SECT. 1.** *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Portland*, in the county of *Cumberland*, an Academy by the name of *Portland Academy*, for the purpose of promoting the education of youth in the English, Latin, Greek and French languages, together with writing, arithmetic, and the art of speaking, practical geometry, logic, philosophy and geography, the knowledge and practice of virtue, and the principles of a Republican Government, and such other of the liberal arts and sciences as the Trustees hereinafter provided shall order and direct.

Names of Trustees incorporated. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That the Rev. *Thomas Brown*, the Rev. *Samuel Dean*, Doctor of Divinity, *Samuel Freeman*, Esq. *John Frothingham*, Esq. Mr. *John Fox*, *William Gorham*, Esq. Mr. *Joseph Jewitt*, Rev. *Elijah Kellogg*, Mr. *Stephen Longfellow*, *David Mitchel*, Esq. Mr. *Hugh McClellan*, *Joseph Noyes*, Esq. *Robert Southgate*, Esq. *Josiah Thacher*, Esq. and *William Wedgery*, Esq. be, and they are hereby nominated and appointed Trustees of the said Academy, and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Portland Academy in the County of Cumberland*; and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

Common seal. May sue and be sued. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have one common seal, which they may break, change and renew from time to time as they shall see fit, and they may sue and be sued in all actions, real, personal and mixed; and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Portland Academy in the County of Cumberland*, and may appoint an agent or agents to prosecute or defend such suits.

Trustees to be Visitors, &c. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the said Rev. *Thomas Brown* and others, the Trustees aforesaid, and their successors, be, and they are hereby made the Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of the Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That the number of the Trustees aforesaid shall not, at any one time,

time, be more than fifteen, nor less than eight, seven of whom at least shall be necessary to constitute a quorum for transacting business. Number of Trustees.

SECT. 6. *And be it further enacted by the authority aforesaid,* That as often as one or more of the Trustees aforesaid shall die or resign, or in the judgment of the major part of the Trustees, shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving shall elect one or more persons to fill up the vacancy or vacancies. Vacancies filled.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Trustees aforesaid and their successors be, and they hereby are rendered capable in law, to take and hold by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real or personal: *Provided,* that the annual income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income of the said personal estate shall not exceed the sum of two thousand pounds. And all deeds and instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Trustees and their successors, and be valid in law. Capable of holding estate to a certain amount.

SECT. 8. *And be it further enacted,* That Samuel Freeman, Esq. be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof. Samuel Freeman empowered.

[This Act passed February 27, 1794.]

An ACT dividing the Town of *Hallowell*, in the County of *Lincoln*, into three Parishes, and for incorporating the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of *Hallowell*, in the county of *Lincoln*, be, and the same hereby is divided into three distinct parishes, to be designated the South Parish, the Middle Parish, and the North Parish; and the following shall be the dividing lines between said parishes, viz. Between the south parish and the middle parish the dividing line shall begin on the east side of *Cobbise-contee Pond*, at the north-west corner of the mile lot Number *Twenty-Three*; thence running east-south-east, in the north line of said lot to *Kennebeck River*; thence easterly across said river to the north-west corner of lot Number *Eighteen*, being the same lot on which *Jonathan Davenport* now lives; thence east-south-east to the eastern bounds of said town. And between the middle parish and the north parish the dividing line shall begin on the westerly bank of *Kennebeck River*, at the north-east corner of lot Number *Eighteen*; thence running in the

the north line of the said lot west-north-west, and continuing the same course to the west side of the said town, then beginning again on the easterly bank of said *Kennebeck River*, at the north-west corner of lot *Number Thirty-Four*, and thence running in the north line of said lot east-south-east one mile, to a road; thence northerly by said road, fifty rods; thence east-south-east to the east side of the said town. And that all the lands in said town, with the inhabitants thereon, south of the line dividing the south parish and the middle parish, as above described, be, and hereby are incorporated into a separate parish by the name of *The South Parish in Hallowell*. Also all the lands in said town, with the inhabitants thereon between the line dividing the south parish and the middle parish, and the line dividing the middle parish and the north parish, as above described and expressed, be, and hereby are incorporated into a separate parish, by the name of *The Middle Parish in Hallowell*: And also all the lands in said town, with the inhabitants thereon, north of the line dividing the middle parish and the north parish as above described, be, and hereby are incorporated into a separate parish, by the name of *The North Parish in Hallowell*; and that each of said parishes be, and hereby is vested with all the powers, privileges and immunities, which other parishes within this Commonwealth are entitled to, or do by law enjoy.

Inhabitants  
permitted to  
join either parish.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any of the inhabitants of said town of *Hallowell* shall at all times forever hereafter have full liberty to join themselves with their families and estates to either of the parishes aforesaid, in said town, and to return or remove therefrom to any other parish in said town, *provided* they shall, some time in the month of *March*, certify in writing under their hands, to the Clerk of said town, to which of said parishes they choose to belong; whereupon they shall thereafter be liable to be taxed with their estates, in such parish mentioned in such certificate, their just proportion of all parish taxes, and not elsewhere.

Hon. D. Coney,  
Esq. directed  
to issue his warrants.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Hon. *Daniel Coney*, Esq. be, and he is hereby authorized to issue his several warrants, directed to some suitable person in each of said parishes respectively, requiring him to notify and warn the inhabitants of such parish to meet at the time and place expressed in such warrants, for the purpose of choosing such officers as may by law be chosen by parishes, in the month of *March* or *April* annually, and also for the transaction of any other business that may be legally transacted in parish meetings.

[This Act passed June 14, 1794.]



An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack River*, between the Towns of *Haverhill* and *Newbury*, in the County of *Essex*, and for supporting the same. Additional Act,  
Feb. 26, 1796.

**W**HEREAS a bridge over *Merrimack River*, between the towns of *Haverhill* and *Newbury*, in the county of *Essex*, would be of public convenience; and whereas *Enoch Sawyer*, Esq. and others have presented a petition to this Court, setting forth, that they, with divers other persons, have associated for the purpose of building said bridge, and praying for liberty to build the same, and to be incorporated for that purpose: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Enoch Sawyer, William Coffin, Joshua Wingate*, Esquires, Messieurs *Jacob Brown, Joseph Newell, Amos George, Ephraim Elliot, Moses Moody, William L. Abbot, and William Cutler*, with such other persons as have associated with them as aforesaid, and all those who may hereafter become Proprietors in said bridge, be, and they are hereby made and constituted a Corporation and Body Politic, for the purpose aforesaid, by the name of *The Proprietors of Merrimack Bridge*, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do and suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure. Proprietors incorporated into a Body Politic.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said *Joshua Wingate, Jacob Brown, and Moses Moody*, or any two of them, may by advertisement in the newspaper called the *Morning Star*, and by posting an advertisement in the towns of *Haverhill* and *Newbury* respectively, warn or call a meeting of the said Proprietors, to be holden at any suitable place and time, after six days from the publication and posting up said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at said meeting, accounting and allowing one vote to each single share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duty of his said office; and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and convenient for the regulation and government of the said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll hereinafter granted and established; and the same rules and by-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding three pounds; — may call meetings.

— may make and establish rules and regulations.

*provided*

Provido.

*provided* the said rules and by-laws be not repugnant to the Constitution or laws of this Commonwealth; and all representations at any meeting of said Corporation, shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all rules and by-laws, regulations, votes and proceedings of said Corporation shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose.

Proprietors  
permitted to  
build a bridge.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby permitted to erect a bridge over Merrimack River, from the public landing-place, at *Sawt's ferry*, in *Haverhill* aforesaid, to the opposite shore in *Newbury* aforesaid.

— authorized  
to purchase real  
estate.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said Proprietors be, and they are hereby authorized and empowered to purchase any real estate they think necessary or convenient to purchase, for effecting the purpose aforesaid, to the amount of *one thousand pounds*, and to hold the same in fee simple, and that the share or shares of any Proprietor in said real estate and bridge be transferred by deed acknowledged and recorded by the Clerk of said Proprietors in a book to be kept for that purpose; and when any share or shares in said bridge and estate shall be attached on *mesne process*, as the property of any of said Proprietors, an attested copy of such process shall be left with the Clerk of said Proprietors, at the time of such attachment, otherwise the same shall be void.

Toll establish-  
ed.

—, rates of.

SECT. 5. *And be it further enacted by the authority aforesaid,* That for the purpose of reimbursing the said Proprietors, the monies by them expended, or to be expended in building and supporting the said bridge, a toll be, and hereby is granted and established, for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *two thirds of a penny*; for each person and horse, *three pence*; for each wheelbarrow, hand-cart, or other vehicle capable of carrying like weight, *two pence*; for each horse and chaise, chair or sulkey, *eight pence*; for each riding fley, drawn by one horse, *six pence*; for each riding fley, drawn by more than one horse, *nine pence*; for each coach, chariot, phaeton, or other four-wheeled carriage for passengers, *one shilling and six pence*; for each curricule, *one shilling*; for each, cart, sled, fley, or other carriage of burthen, drawn by one beast, *six pence*; for each waggon, cart, sled, fley, or other carriage of burthen, drawn by more than one beast, and not more than four beasts, *nine pence*; for each waggon, cart, sled, fley, or other carriage of burthen, drawn by more than four beasts, at the rate of *two pence* for each beast; for each horse or neat cattle, other than those rode on, or in carriages, *two pence*; for each sheep or swine,

swine, *two thirds of a penny* ; and to each team one person only shall be allowed as a driver, to pass free of toll : And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open ; and the said toll shall commence on the day of the first opening of said bridge for passengers, and shall continue to the said Proprietors, their heirs and assigns for ever : *Provided however*, That the General Court shall have a right to regulate the toll after a term of fifty years.

Time of continuance.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said bridge shall be thirty feet wide ; that there shall be one arch, at least one hundred and forty feet long, over a good depth of water, the crown of which arch shall be thirty feet above common high water ; that there shall be a convenient draw or passage-way, for vessels at least thirty feet wide, which shall be opened without toll or pay, at all times on demand, for vessels which cannot pass under said bridge ; that the said bridge shall be covered on the top with plank or timber, and that the sides be boarded up two feet high, and be railed for the security of passengers four feet high, at least ; and that said bridge shall at all times be kept in good, safe, and passable repair, and shall be furnished with at least four good lamps, which shall be well supplied with oil, and kept burning through the night, one of which shall be on each side of the middle of the great arch, and one at each end of said bridge.

Dimensions of the bridge.

And whereas the erection of said bridge may diminish the emoluments of *The Proprietors of Essex Merrimack Bridge*, built at *Deer-Island*, which was a work of hazard and public utility :

Preamble

SECT. 7. *Be it enacted*, That *The Proprietors of Essex Merrimack Bridge* shall continue to be a Corporation and Body Politic for and during the term of seventy years, to be computed from the day said bridge was completed and opened for passengers, subject to all the conditions, regulations and provisos contained in an Act, entitled, “An Act for incorporating certain persons for the purpose of building a bridge over *Merrimack River*, in the county of *Essex*, and for supporting the same.” And during said term of seventy years, said Proprietors of *Essex Merrimack Bridge* shall and may continue to collect and receive all the toll granted by said Act for their use and benefit ; and at the expiration of said seventy years, said *Essex Merrimack Bridge* shall revert to, and be the property of the Commonwealth, and shall be surrendered in good repair.

Time of the Corporation of the Proprietors of Essex Merrimack River Bridge extended.

SECT. 8. *And be it further enacted by the authority aforesaid*, That if the said Proprietors shall neglect, for the space of six years from the passing this Act, to build said bridge, then this Act shall be void.

Act null, in case.

[This Act passed June 14, 1794.]

An

Additional Act,  
June 23, 1804.

An ACT for incorporating certain Persons by the  
Name of *The Boston Library Society*.

Persons incor-  
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Parker, Joseph Eckley, John Eliot, George Richards Minot, Samuel Hall, Charles Bulfinch, William Spooner, Charles Vaughan, and William Scollay, and their associates, Proprietors of the said Library, and all such as may hereafter subscribe to the same, be, and they hereby are incorporated into a Body Politic, by the name of The Boston Library Society; and that they have perpetual succession by the said name, and have power to make all by-laws and regulations for the increasing and maintaining of the said Library, and regulating the manner of using the same, with penalties of disfranchisement, or fines not exceeding sixty shillings for each offence, or without such penalties, as to the said Society may seem best: Provided such by-laws and regulations be not repugnant to the laws of this Commonwealth.*

Society em-  
powered.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Boston Library Society be, and they hereby are authorized and empowered to make and use a common seal, and are hereby made liable to be sued, and empowered to sue and defend in their said corporate capacity, by the name aforesaid, in any of the courts of law of this Commonwealth; and to make purchases and receive subscriptions, grants and donations of real and personal estate, not exceeding the sum of fifteen thousand pounds, for the purpose of their association, as aforesaid, and to dispose of their property, as to the said Corporation shall seem fit.*

Power of rais-  
ing monies

Proviso

SECT. 3. *And be it further enacted by the authority aforesaid, That it shall be lawful for the said Society, at any meeting in the month of March, at which a majority of the subscribers in number shall be present, to vote, grant, or order the raising of such suitable sum or sums of money as may be necessary for defraying the annual expense of preserving the said Library, and managing the same for the use of the Proprietors, but for no other purpose, provided not less than one month's notice be given in two or more of the newspapers printed in Boston, of such meeting, and the business, so far as relates to any proposed assessment there to be transacted.*

Times of meet-  
ing.

SECT. 4. *And be it further enacted by the authority aforesaid, That the said Society be, and hereby are authorized to assemble on the second Monday of July next, and afterwards on the first Monday of March, in every year, to choose Trustees, a Treasurer, Librarian, and such other officers as to them may appear necessary, who shall continue until others are chosen in*

in their room ; and that the said Society may assemble as often as they may agree upon, for filling up any vacancies that may happen in such offices, and for transacting all other business, excepting assessing and raising monies, as aforementioned : And *George Richards Minot*, Esq. is hereby authorized and empowered to call a meeting of the said Society, at such place in *Boston* as to him may appear proper, on the second Monday of *July* next, as allowed by this Act.

Person authorized to call a meeting.

[This Act passed *June 17, 1794.*]

An ACT to incorporate the Plantation of *Unity*, so called, in the County of *Lincoln*, into a Town, by the Name of *New-Sharon*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation called *Unity*, in the county of *Lincoln*, bounded as followeth, to wit : Beginning at *Sandy River*, at the south-easterly corner of *Farmington*, thence running north in the line of said town six miles, two hundred and fifty rods, to a pond ; thence southerly and easterly by said pond to the *Plymouth* line, so called ; thence south, forty-five degrees east, in said *Plymouth* line, seven miles, three hundred and ten rods ; thence south, eight degrees east, three miles and fifty rods, to a tree marked ; thence south, forty-three degrees west, two miles and forty-five rods, to a hemlock tree, marked I. P. ; thence north, sixty-seven and a half degrees west, three miles two hundred and eight rods to *McGirdy's* pond ; thence northerly, by said *McGirdy's* pond and stream, two miles and one hundred rods, to *Sandy River* aforesaid ; and thence westerly by *Sandy River* to the bound first mentioned, together with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *New Sharon* ; and the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth do or may by law enjoy.

Boundaries.

Name of town incorporated.

SECT. 2. *And be it further enacted,* That *Nathaniel Dummer*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be expressed in such warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of *March* or *April* annually.

N. Dummer, Esq. to issue warrant.

[This Act passed *June 20, 1794.*]

An

An ACT to set off *Eliphalet Leonard*, Esquire, and others, from the Second to the First Parish in *West Springfield*.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Eliphalet Leonard*, Esquire, *Timothy Horton*, *Samuel Leonard*, *Enoch Cooper*, *Enoch Cooper, jun.* *David Mason*, *Moses Leonard*, *Martin Wilson*, and widow *Mary Leonard*, all of the second parish in *West Springfield*, in the county of *Hampshire*, be, and they hereby are set off from the second parish aforesaid, together with all their estates, both real and personal, and annexed to the first parish in *West Springfield*, to do duty and receive privileges in the first parish aforesaid.

Persons set off to a parish.

[This Act passed June 20, 1794.]

An ACT for incorporating a Number of the Inhabitants of the Towns of *Brunswick* and *Harpwell*, in the County of *Cumberland*, and *Bath*, in the County of *Lincoln*, into a distinct and separate Religious Society.

**SECT. 1.** **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Judab Chace*, *William Mariner*, *Aaron Snow*, *Samuel Mariner*, *John Gatchell*, *John Mariner*, *Charles Cowen*, *Peter Jordan*, *Robert Jordan*, *Anthony Woodside*, *David Ferin*, *John Ferin*, *Robert Duning*, *David Clark*, *Benjamin Gatchell*, *Stephen Gatchell*, *John Williams*, *George Williams*, *Philip Higgins*, *Reuben Higgins*, *Sylvanus Combs*, *Philip Higgins, jun.* *Samuel Williams*, *William Thompson*, *Joseph O'Donehue*, *Joseph Morse*, *Richard Orr*, *William Stanwood*, *Samuel Dunlap*, *Daniel Brown*, *Philip Owens*, *Samuel Huey*, *Joseph Rees*, *John Mariner, jun.* *Josiah Simpson*, *Michael Groves*, *Nathan Combs*, *George Winslow*, *Joseph St. Combs*, *William Dunning*, *Samuel Woodward*, *Peter Woodward*, *William Gatchell, jun.* *Ezekiel Spaulding*, *Ezekiel Spaulding, jun.* *Samuel Spaulding*, *John S. Gatchell*, *John Ridout*, *Samuel Gatchell*, *John Mathews*, *David Linscott*, *William Woodside, jun.* *George Combs*, and *George Combs, jun.* members of the said Religious Society, together with their polls and estates, be, and they hereby are incorporated, by the name of *The Baptist Religious Society in Brunswick, Harpwell and Bath*, with all the privileges, powers and immunities, which other parishes in this Commonwealth are by law entitled to.

Method of becoming members.

**SECT. 2.** **And be** it further enacted by the authority aforesaid, That any and every person in the towns of *Brunswick*, *Harpwell* and *Bath*, aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with said Society,

Society, and give in his or her name to the Clerk of the parish to which he or she belonged, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said *Baptist Religious Society*, fourteen days previous to the parish meeting, therein to be holden in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however*, That all those who heretofore be- Proviso. longed to the Congregational Society in said *Brunswick*, at the time of settling the present minister, or who took any part in voting for or against the settlement or salary of the said minister, shall be holden to pay all their proportion of settlement or salary up to the present time.

SECT. 3. *And be it further enacted by the authority aforesaid*, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the said *Baptist Religious Society*, with a certificate signed by the Minister or Clerk of the parish, or other incorporate religious Society, with which he may unite, that he hath actually become a member of and united in religious worship with such other parish, or other incorporate religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she hath so united. Method of leaving the Society.

SECT. 4. *And be it further enacted by the authority aforesaid*, That *Francis Winter*, Esq. be, and he is hereby authorized to Justice to issue his warrant. issue his warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society, qualified to vote in Parish affairs, to assemble at some suitable time and place, in any or either of said towns of *Brunswick*, *Harpswell*, or *Bath*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually; and to transact all matters and things necessary to be done in said Society.

[This Act passed June 20, 1794.]

### An ACT for naturalizing *Thomas Neil*, *Robert Getty*, and *Robert Holt*.

**W**HEREAS *Thomas Neil*, *Robert Getty*, and *Robert Holt*, have petitioned the General Court that they may be naturalized, and thereby become entitled to all the rights and privileges of free citizens:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid *Thomas Neil, Robert Getty, and Robert Holt,* taking and subscribing the oath of allegiance to this Commonwealth, and the oath to support the Constitution of the United States, before two Justices of the Peace, *quorum unus,* shall be deemed, adjudged and taken to be free citizens of this Commonwealth, and entitled to all the privileges and immunities of citizens.

Oath recorded.

SECT. 2. *And be it further enacted,* That the Justices before whom the said *Thomas Neil, Robert Getty, and Robert Holt,* shall take and subscribe the said oaths, shall return a certificate of the same into the Secretary's office, that it may be there recorded.

[This Act passed June 24, 1794.]

An ACT in addition to, and for the Amendment of an Act made and passed in the Year of our Lord One thousand seven hundred and eighty-one, entitled, "An Act for incorporating the Proprietors of the House erected for the public Worship of God called *The Tabernacle,* in *Salem,* where the Rev. *Nathaniel Whitaker* now officiates."

Preamble.

WHEREAS it is in and by said Act, among other things, enacted, "that the said Proprietors, or major part of them, in concurrence with the church meeting in said house, are hereby authorized to do and transact all matters relative to the ordering and directing said propriety, agreeable to the laws and Constitution of this Commonwealth, and all transactions shall be legal and valid to all intents and purposes;" which clause requiring the concurrence of said church meeting to the doings and transactions of said propriety is unusual, and is attended with many inconveniences and disadvantages to said Proprietors; and they having petitioned this Court for an alteration thereof:

Proprietors  
empowered.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Proprietors of said house and land mentioned in said Act, or the major part of them, at any legal meeting, be, and hereby are authorized and empowered to do and transact all matters and things relative to the ordering and directing of said Propriety, without the concurrence of said Church, in as full and an ample a manner, to all intents and purposes, as in and by said Act, or by law, they may or can do with the concurrence of said Church; and that all the votes and orders heretofore made and passed by said Proprietors,  
and



and all the doings and transactions in consequence of such votes and orders, are hereby confirmed and made valid to all intents and purposes, notwithstanding they may not have had the concurrence of said Church.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the moderator of any legal meeting of said Proprietors, duly chosen, is hereby authorized to administer all such oaths and to swear all such officers as shall be chosen by said Proprietors at such meeting for which he shall be chosen moderator, and of whom an oath by law is required, in such manner as Justices of the Peace are by law authorized to administer oaths; which swearing shall be as valid in law as though the same were administered by some Justice of the Peace in the same county.

Moderator to administer oaths.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all the rights, privileges, powers and immunities which are in and by said Act granted to said Proprietors, shall be, and are hereby confirmed unto them and their successors forever; excepting only such part thereof as this Act expressly directs and orders to be otherwise, relative to the concurrence of said Church.

Confirmation.

[This Act passed June 24, 1794.]

## An ACT to incorporate the Episcopal Church in Cambridge, so called, for certain Purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Simpson and Nathaniel Bethune, Wardens, Joseph Lee, Herman Brimmer, John Apthorp, James Hewes, John Pigeon, Vestrymen of said Church, and their successors in office, are, and shall be deemed so far a Body Corporate, as to sue for and recover taxes which are now or may be due upon any pews in the Episcopal Church, in Cambridge, and all other debts due to the said Church of whatever kind, and also to sue and defend in all other actions in which said Church may be concerned.

Persons incorporated.

SECT. 2. *And be it enacted,* That the Wardens and Vestry of said Church, and their successors in office be, and they are hereby empowered to make sale and dispose of any pews, lands, tenements and hereditaments belonging to said Church, to such persons as shall purchase the same, in fee simple forever; and to make and execute good and sufficient deeds in law of the same, and to lease or otherwise dispose of the same in behalf of said Church, as to them shall seem necessary, agreeable and in conformity to the votes of the Proprietors of said Church, excepting such lands and real estate as are and may be given on express condition that the income thereof shall be appropriated to the support of the poor.

Wardens and Vestry empowered.

[This Act passed June 25, 1794.]

An

An ACT setting off the West Precinct of the Town of *Pownalborough*, into a separate Town, by the Name of *Dresden*.

Boundaries.

Town incorporated.

Justice authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said west precinct of the town of *Pownalborough*, bounded as follows, viz. Beginning on the easterly side of *Kennebeck River*, on the line that divides the said town of *Pownalborough* from the town of *Woolwich*, from thence running upon the said line three miles; from thence upon a straight line to the middle of the great bridge, on the county road leading from *Sheepscut River* to *Kennebeck River*, erected over *Dr. Gardner's* mill-brook, so called; from thence, on a north-north-east course to the northern line of said town, including the whole of the farm or land there belonging to the estate of the said *Dr. Gardner*; from thence by the said northern line to *Kennebeck River*, then down the said river to the first-mentioned bounds, including *Swan Island*, so called, in said river, with all the land and estates therein, be, and hereby is incorporated into a separate town, by the name of *Dresden*, together with the inhabitants thereof, who are hereby invested with all the powers, privileges and immunities which the inhabitants of other towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted,* That *Nathaniel Twing*, Esq. be, and he is hereby empowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to choose all such officers as towns are by law empowered to choose in the month of *March* or *April* annually; *Provided nevertheless,* That the inhabitants of the said town of *Dresden* shall be holden to pay their proportion of all taxes already assessed upon the said town of *Pownalborough*, and of all other demands thereon, including all fines which said town of *Pownalborough* may be liable to, on account of any presentments against said town.

[This Act passed June 25, 1794.]

An ACT setting off the North Precinct of the Town of *Pownalborough* into a separate Town, by the Name of *New Milford*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said north precinct of the town of *Pownalborough*, bounded as follows, viz. Beginning on *Sheepscott River*, on the southerly line of Lot No. 5, granted to *Abraham Preble*,

*Preble*, by the Proprietors of the *Kennebeck* purchase ; from thence running on the said southerly line to a road, running between the rear of said lot and a lot of four hundred acres, marked E e, No. 5, granted by the said Proprietors to *James Bowdoin*, Esquire ; thence running northwardly on the said road to the county road leading from the great bridge to *Sheepscott River* ; thence running west-north-west, through the said road, as far as the said *Bowdoin's* lot E e bounds thereon ; thence continuing to run through the said road, more northerly, as far as the northerly line of a lot of four hundred acres, marked D d, No. 4, granted by the said Proprietors to *William Bowdoin*, Esq. deceased, and from thence to run on the said northerly line of the last mentioned lot, till it strikes the easterly line of the West Precinct of said *Pownalborough* ; thence northerly by said line to the north line of said town ; thence easterly by said line to *Sheepscott River* ; thence southerly down said river to the southerly line of said Lot No. 5, the first mentioned bounds ; with all the lands and estates within the bounds aforesaid, be, and hereby is incorporated into a separate town, by the name of *New-Milford*, together with all the inhabitants thereof, who are hereby invested with all the powers, privileges and immunities, which the inhabitants of other towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted*, That *Thomas Rice*, Esq. T. Rice, Esq. be, and he is hereby empowered and directed to issue his war- to issue war-rant. rant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to choose all such officers as towns are by law empowered to choose in the month of *March* or *April* annually : *Provided nevertheless*, That the inhabitants of the said town of *New-Milford* shall be holden to pay their proportion of all taxes already assessed upon the said town of *Pownalborough*, and of all other demands thereon, including all fines which said town of *Pownalborough* may be liable to, on account of any presentments against said town.

[This Act passed June 25, 1794.]

An ACT for incorporating certain Persons into a Society by the Name of the *Massachusetts Charitable Fire Society*.

WHEREAS *Moses Gill*, *George Richards*, *Minot*, *Oliver* Preamble.  
*Smith*, *James Freeman*, *James Bowdoin*, *William Scollay*,  
*John Lucas*, and *Arnold Wells*, jun. in behalf of themselves, and others associating with them, have petitioned this Court to be incorporated for the purpose of relieving such as may suffer by fire, and of stimulating genius to useful discoveries, tending to secure the lives and property of their fellow-men from destruction by that element :

SECT.

Persons incor-  
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the persons above-named, and their associates be, and hereby are incorporated into, and made a Body Politic, by the name of *The Massachusetts Charitable Fire Society*, for the purposes aforesaid, and shall have perpetual succession by the said name, with power to make by-laws and regulations for the preservation and advancement of the said Society, not repugnant to the laws of this Commonwealth, with penalties, either of disfranchisement from the said Society, or of a mulct not exceeding *twenty shillings* for each offence, as to the said Corporation shall appear best.

—, their pow-  
ers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Body Politic are hereby authorized and empowered to make and use a common seal, and to sue and defend, and are made liable to be sued by the name aforesaid, in any of the Judicial Courts within this Commonwealth; and are hereby licensed and empowered to make purchases, and to receive grants, subscriptions and donations of real and personal estate, and to hold the same for the charitable purposes aforesaid; *provided* the income of the said real and personal estate shall not exceed the sum of *ten thousand pounds* annually, and to alien and convey such estate as to the said Corporation shall appear fit.

Times and pur-  
poses of meet-  
ing authorized.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Body Politic be, and are hereby authorized to meet annually, on such day as they shall appoint, and then to choose such officers as to them may appear necessary; and to meet at such other times for filling up vacancies occasioned by the death or resignation of officers, or otherwise, and for transacting all other business requisite for promoting the ends of the said Corporation as by them shall be agreed upon.

SECT. 4. *And be it further enacted by the authority aforesaid,* That His Honor *Moses Gill*, Esq. be, and he is hereby authorized and empowered to call the first meeting of the said Corporation, at such place in the town of *Boston* as to him may appear proper, on the fourth Tuesday of *July* next.

[This Act passed June 25, 1794.]

An ACT to annex a Gore of Land in the County of *Worcester*, known by the Name of *Middlesex Gore*, lying between the Towns of *Dudley* and *Sturbridge*, in this Commonwealth, and the Town of *Woodstock*, in the State of *Connecticut*, partly to the Town of *Dudley*, and partly to the Town of *Sturbridge*.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of a gore of land, lying east of a line beginning at  
the

the fourth-west corner of the town of *Dudley*, and the fourth-east corner of the town of *Sturbridge*, and running the same course with the west line of *Dudley* and the east line of *Sturbridge*, until it comes to the line of *Woodstock*, in the State of *Connecticut*, with all the inhabitants thereon, be, and they hereby are annexed to the town of *Dudley*, in the county of *Worcester*; and all that part of said gore of land which lies west of the line first above-mentioned with the inhabitants thereon be, and they hereby are annexed to the town of *Sturbridge* in said county.

Gore of land  
annexed to  
towns.

[This Act passed June 25, 1794.]

An ACT to incorporate a Number of Inhabitants in the Town of *Sutton*, into a Society, by the Name of *The First Congregational Society in Sutton*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Timothy Sibley*, *Lazarus Le Baron*, *Jonathan Woodbury*, *Ebenezer Waters*, *March Chace*, *Bartholomew Woodbury*, *John Woodbury*, *John Harbach*, *Daniel Terry*, *Simon Tenney*, *Anthony Dike*, *Stephen Munroe*, *Thomas Harbach*, *Nathaniel Stockwell*, *Timothy Sibley*, jun. *Daniel Tenney*, *Joseph Hall*, *Henry Ferington*, *Reuben Putnam*, *Bartholomew Hutchinson*, *John Whipple*, jun. *Nathaniel Cariel*, *James Giles*, *Melachi Marble*, *Solomon Leland*, *Andrew Marble*, *Nathaniel Carrol*, jun. *Ezekiel Clark*, *Charles Putnam*, *Tarrant Putnam*, *Israel Putnam*, *Nathan Putnam*, *Enos Buxton*, *Enos Buxton*, jun. *George K. Rice*, *John Woodbury*, jun. *Thomas L. Whitney*, *Gibbs Sibley*, *Darius Russel*, *David Putnam*, *Joshua Hathaway*, *James Taylor*, *Asabel Rice*, *Nathaniel Sibley*, *Reuben Sibley*, *Reuben Sibley*, jun. *Stephen Stockwell*, *Stephen Stockwell*, jun. *Enoch Stockwell*, *Jacob Severy*, *Moody Severy*, *Jacob Cummins*, jun. *John Haven*, *Jonathan King*, *John Lilley*, *Aaron Cariel*, *Joseph Hicks*, *Joseph Mosley*, *Samuel Hicks*, *Benjamin Hicks*, *Zachariah Hicks*, *Caleb Hicks*, *Abrabam Bachelor*, *Benjamin Bachelor*, *Amos Bachelor*, *Richard H. Dodge*, *Josiah Dodge*, *Ezra Bachelor*, *James Adams*, *Elijah Allen*, *William Slocum*, *Moses Leland*, *Stephen Hall*, *John Dudley*, *Abel Ellias*, *Daniel Day*, *Moses Day*, *Aaron Day*, *Benjamin Woodbury*, jun. *Joseph Woodbury*, jun. *Jonathan Dudley*, *Samuel Dudley*, *Joshua Chace*, *Joseph Nelson*, *Joseph Hall*, jun. *Peter Dudley*, *Daniel Harbach*, *Isaac Dodge*, and *Timothy Burnal*, members of said first Congregational Society, together with their estates, be, and hereby are incorporated into a Congregational Society, by the name of *The First Congregational Society in the Town of Sutton*.

Society in Sutton  
incorporated.

SECT. 2. *Be* it enacted by the authority aforesaid, That the said Society be, and hereby are authorized and empowered to raise by a tax on the pews and seats in the meeting-house in said Society, such sum or sums of money as the Proprietors of said

— empowered  
to raise money  
by tax.

said meeting-house, at a legal meeting called for that purpose, shall vote and agree upon for the purpose of supporting and maintaining a public teacher of piety, religion and morality, and other incidental charges, and at such meeting to choose all such officers as are or shall be necessary to manage and transact all the business of the said propriety.

Proprietors  
empowered to  
value pews.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Proprietors of the said first parish meeting-house, be, and are hereby empowered by themselves or their Committee duly chosen, to cause the pews and seats in the said meeting-house to be valued according to the convenience and situation thereof, and to alter from time to time such valuation as may be found necessary; and to determine what sum each pew or part of a pew and seat shall pay towards the expenses and charges aforesaid, and the time and manner in which the same shall be paid: And if any Proprietor or owner of a pew or part of a pew or seat, shall neglect or refuse to pay the sum or sums assessed thereon for a longer time than twenty days after notice of such assessment having been given him by the Collector, such Proprietor or owner shall pay to the use of the said Proprietors, over and above the said tax or assessment, from the expiration of the said twenty days, at and after the rate of six per centum per annum, on such tax or assessment: And if the same, together with the interest aforesaid, shall not be paid within one year from the expiration of said twenty days, the said Proprietors may and are hereby authorized and empowered by themselves or their Committee to sell and dispose of the pew or part of a pew or seat of such delinquent, in such way and manner as shall be agreed on by said Proprietors; and after deducting from the sale thereof, the said tax or assessment, with the interest thereon, accruing as aforesaid, and the charges of the sale, the overplus (if any) shall be paid to the person so delinquent.

Members em-  
powered to  
hold & dispose  
of estates.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the members of the said Congregational Society are hereby authorized and empowered to take into possession all the lands and other estate and donations that by any means doth belong to the said Society, and to dispose of the use or income of the same in any way for the use of the said Society, as shall by them be judged most conducive to the interest and benefit of the same.

Appropriations  
of monies.

SECT. 5. *And be it enacted by the authority aforesaid,* That the members of the said Society be empowered to collect and improve the whole of the ministry money which belongs to *The First Congregational Society in Sutton*, and all other donations that have been or may hereafter be made to said Society, for the support of a Congregational minister in said place; and that the members of said Society be authorized and empowered to receive members, whenever applications are made therefor; and that

that the members and all others who may hereafter become their associates, being inhabitants of the town of *Sutton*, and their several estates, shall not be liable to be taxed for the support of public worship in any other Society in the said town of *Sutton*.

SECT. 6. *And be it further enacted by the authority aforesaid,* That *Solomon Leland*, Esq. be, and is hereby empowered and directed to issue his warrant to some principal member of said Society, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose all such officers as are necessary for transacting the business of said Society.

*Solomon Leland*, Esq. to issue warrant.

[This Act passed June 25, 1794.]

An ACT incorporating a Number of the Inhabitants of the Town of *Topsham*, in the County of *Lincoln*, into a distinct and separate Religious Society.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *John Merrill*, Esq. *Stephen Doughty*, *Astor Pat-ten*, *Hugh Wilson*, *Robert Cleaves*, jun. *James Purrinton*, jun. *Ebenezer Farren*, *William Bragdon*, *John Starboard*, jun. *John Hewey*, *John Dugan*, *Joseph Jack*, *Elnathan Hinckley*, *Alexander Thompson*, *Elijah White*, *Benjamin Wooddard*, *Moses Hodgkins*, *John Sandford*, *John Waire*, *William Hunter*, *Samuel Wilson*, *Calvin Wade*, *Thomas Smith*, *John Starboard*, *Luther Hall*, *Thomas Ridout*, *John Read*, *William Malcom*, *Robert Cleaves*, *John Willson*, *Joseph Hayley*, *Humphrey Thompson*, *William Sears*, *Moses Owen*, *William Collamore*, *Nathan Wyman*, *Hozekiah Wyman*, *William Wyman* and *James Purrinton*, members of the said religious Society, together with their polls and estates, be, and they are hereby incorporated by the name of *The Baptist Religious Society in Topsham*, with all the privileges, powers and immunities which other parishes in this Commonwealth are by law entitled to.

Persons incor-  
porated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any and every person in the town of *Topsham*, aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with said *Baptist Society*, and give in his or her name to the Clerk of the parish to which he or she belonged, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member, and united in religious worship with said *Baptist Religious Society*, fourteen days previous to the parish meeting therein to be holden in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society.

Members con-  
stituted.

Method of  
leaving the  
Society, and  
joining another.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when any member of said *Baptist Society*, shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the said *Baptist Religious Society*, with a certificate signed by the Minister or Clerk of the parish, or other incorporate religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his and her polls and estates, be considered as a member of the Society to which he or she hath so united.

Francis Winter,  
Esq. to issue his  
warrant.

SECT. 4. *And be it enacted by the authority aforesaid,* That *Francis Winter*, Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the Society, requiring him to warn the members of the Society qualified to vote in parish affairs, to assemble at some suitable time and place in said *Topsbam*, to choose such parish officers as are by law required to be chosen in the month of *March* or *April* annually, and to transact all business which other parishes are authorized to transact at their annual meeting.

[This Act passed June 26, 1794.]

Additional Act,  
June 23, 1795.

An ACT to incorporate certain Persons by the Name of *The North-West Congregational Society in North-Yarmouth*.

Preamble.

**W**HEREAS a number of the inhabitants of the town of *North-Yarmouth* have petitioned this Court to be incorporated into a separate Society, and set off from the parish or religious Society, whereof the Rev. *Tristram Gilman* is pastor, for the reasons expressed in their petition; and it appearing to this Court reasonable that the prayer of the petitioners should be granted:

Persons incor-  
porated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Amos Harris, Zebulon Noyes, Joshua Spear, Benjamin Sweetser, Ozias Blanchard, William Hoole, Cushing Prince, Onesiphorus Fisher, Thomas Pratt, Ebenezer Blanchard, Joab Blake, Benjamin Blanchard, Richard Stubbs, Moses Stubbs, David Prince, Nathaniel Blanchard, jun. Paul Prince, jun. Nathaniel Merrill, Samuel Smith, Asa Chace, Eliphalet Greely, James Prince, Moses Noyes, Benjamin Buxton, Jere Blanchard, Thomas Noyes, Benjamin Sauborn, Levi Sweetser, Asa Greely, Paul Sauborn, jun. Benjamin Prince, Benjamin Stubbs, Samuel Kenny, Samuel Yeck, Stephen Lowell, William Sweetser, Israel True, William Read, Joshua Blanchard,*



Blanchard, William Blanchard, Benjamin Tukebury, John Merrill, jun. Jacob Merrill, jun. Nathan Merrill, Josiah Harris, Amos Harris, jun. Elijah Tuttle, Nathaniel Blanchard, James Whitney, Benjamin Ridout, Othniel Trip, Joshua Shaw, Thomas Hill, Daniel Shaw, John Shaw, William Cleaves, John Goodwin, Lemuel Gurney, jun. Nathaniel Ridout, Nicholas Ridout, Phineas Whitney, Isaac Whitney, Robert Maxfield, Eleazer Ring, Winthrop Baston, Reuben Baston, Silvanus Prince, William Noyes, Paul Prince, Pian Prince, Ammi Prince, Nicholas Blanchard, Amos Clough, Josiah Wyman, Ebenezer Allen, Jonathan Stubbs, Ozni Harris, Levi Knight, Nathaniel Gordon, Jacob Merrill, Jeremiah Prince, Thomas Prince, Amos Field, William Merrill, for his mother, Othniel Merrill, Edmund Merrill, Seth Blanchard, Edward Butler, Stephen Harris, Samuel Bacon, Bethuel Wood, Stephen Prince, Lydia Hayes, widow, Thomas Johnson, Thomas Wood, Winthrop True, Levi Marston, jun. John Wentbby, Zebulon Reed, Joseph Humphreys, Samuel Nason, John Marston, jun. Jeremiah Marston, Jabez Morton, Nehemiah Porter, Benjamin Myrick, jun. Wilham Hamilton, Nathaniel Lusk, Archelaus Tuttle, Isaac Shilling, Joseph Hicks, Joel Rich, Jonathan Chandler, Josham Mitchell, Simeon Marston, Jasper Marston, John Marston, Joshua Marston, Simon Batchellor, Andrew Ring, Ephraim Johnson, Moses Haykell, James Rider, John Pride, Israel Loring Mitchell, William Sargent, Samuel Lawrence, Joshua Humphrey, Jere Walker, Henry Whitney, Stephen Reed, Eliab Mitchell, Samuel Baker, jun. Tobias Moore, Benjamin Hirrick, Joseph York, petitioners for the said Society, together with their polls and estates, be, and hereby are incorporated into a Society, by the name of *The North-West Congregational Society in North-Yarmouth*, with all the privileges, powers and immunities which other parishes in this Commonwealth are entitled to by law.

SECT. 2. *And be it further enacted*, That all those who shall be desirous of becoming members of said Society, being inhabitants of said town of *North-Yarmouth*, and shall signify the same in writing to the respective Clerks of each parish, thirty days at least previous to the annual meeting in *March* or *April* next, shall be considered in law as members of said Society; but shall be held to pay their proportion of such money as shall have been previously granted by the Society or Parish they shall have separated from.

Regulations  
necessary for  
becoming  
members

SECT. 3. *And be it further enacted*, That the several persons in this Act before named, and all others who shall become their associates, being inhabitants of said town of *North-Yarmouth*, and their several estates, shall not be liable to be taxed for the support of public worship in any other Society in said town.

Exempt from  
taxes of all other  
Societies.

SECT. 4. *And be it further enacted*, That the Clerk of said Society shall keep a fair record of the names of all persons who

Clerk to record  
all members of  
the Society.

Persons leaving  
the Society to  
signify it in  
writing.

who shall become members thereof; and when any member of said Society shall request a dismission therefrom, and shall signify the same in writing, at least thirty days before the annual meeting in *March* or *April* next, to the Clerk thereof, said Clerk shall make a record of such request, and shall transmit a list of such name or names to the Clerk of the other parish or Society of such request, and such person or persons shall thereupon be dismissed accordingly, but shall be holden to pay the proportion of such money as shall have been previously granted by said parish or Society.

John Lewis,  
Esq. to issue his  
warrant,

SECT. 4. *And be it further enacted*, That *John Lewis*, Esq. be, and hereby is empowered and directed, within two months from the passing of this Act, to issue his warrant to some principal inhabitant of the said *North-West Congregational Society*; and he hereby is also empowered and directed to issue his warrant within two months from the passing of this Act, to some principal inhabitant of the parish from which said Society are by the foregoing Act set off, therein directing them severally to notify and warn the inhabitants of each Society, qualified by law to vote in town affairs, to meet at their respective meeting-houses, to choose parish officers, as by law required.

[This Act passed *June 26, 1794.*]

END OF VOL. I.

# I N D E X.

[In consulting this Index, articles not otherwise noted, will be found under some of the following general heads, viz.

Academy,	Fishery,	Names altered,
Annexation,	Incorporation of Towns and	Naturalization,
Aqueduct,	Districts,	Parishes, Precincts and Reli-
Bridge,	Insurance Company,	gious Societies,
Canal,	Lines and Boundaries,	Society,
		Turnpike.

Under *Annexation* are placed references to all Acts for *setting off* persons and places, unless the annexation relate to a Parish, Precinct or Religious Society. Under *Fishery* are comprehended Laws relative to every description of Fish. *Society* embraces references to all Societies, excepting those included under *Parishes*, &c. The head, *Incorporation of Towns and Districts*, is confined to incorporating Acts and Acts additional thereto. For any other particular relative to those Corporations, reference will be had to their names.]

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\* The Act referred to is additional to one passed A. D. 1758. The original Act was not found seasonably to be printed in course, and is here inserted.

**An ACT for regulating the Proprietors of the Meadow and Flat Ground,** within the Cove called the *Little Harbour*, in the Township of *Hingham*, in the County of *Suffolk*.

WHEREAS the Proprietors of the meadow and flat ground within the cove called the *Little Harbour*, in the township of *Hingham*, in the county of *Suffolk*, in the year one thousand seven hundred and forty, at a great expence erected a dam at the mouth of said harbour, by means of which the same yearly produces a considerable quantity of thatch; but that a growing charge arises from time to time in keeping the said dam in repair, and that of letting in and drawing off the water as is necessary; and that the same for time to come may be well regulated, and the charge thereof equally borne:

Be it enacted by the Governor, Council and House of Representatives, That the Proprietors aforesaid, be, and hereby are invested with the same powers and privileges of calling and regulating meetings, and choosing proper officers, as the Proprietors of common and undivided lands by law are invested with; and by a major vote of the Proprietors, (to be collected according to their interest,) may make such orders and rules as they shall judge necessary, touching the repairing or making any dam or dams, and drawing off the water, and grant and raise any tax or taxes for the defraying their necessary charges, to be assessed and levied on the several occupants of such meadow or flats, in manner as by law public taxes are to be levied.



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Blandford and Ruffell,	iii. 593
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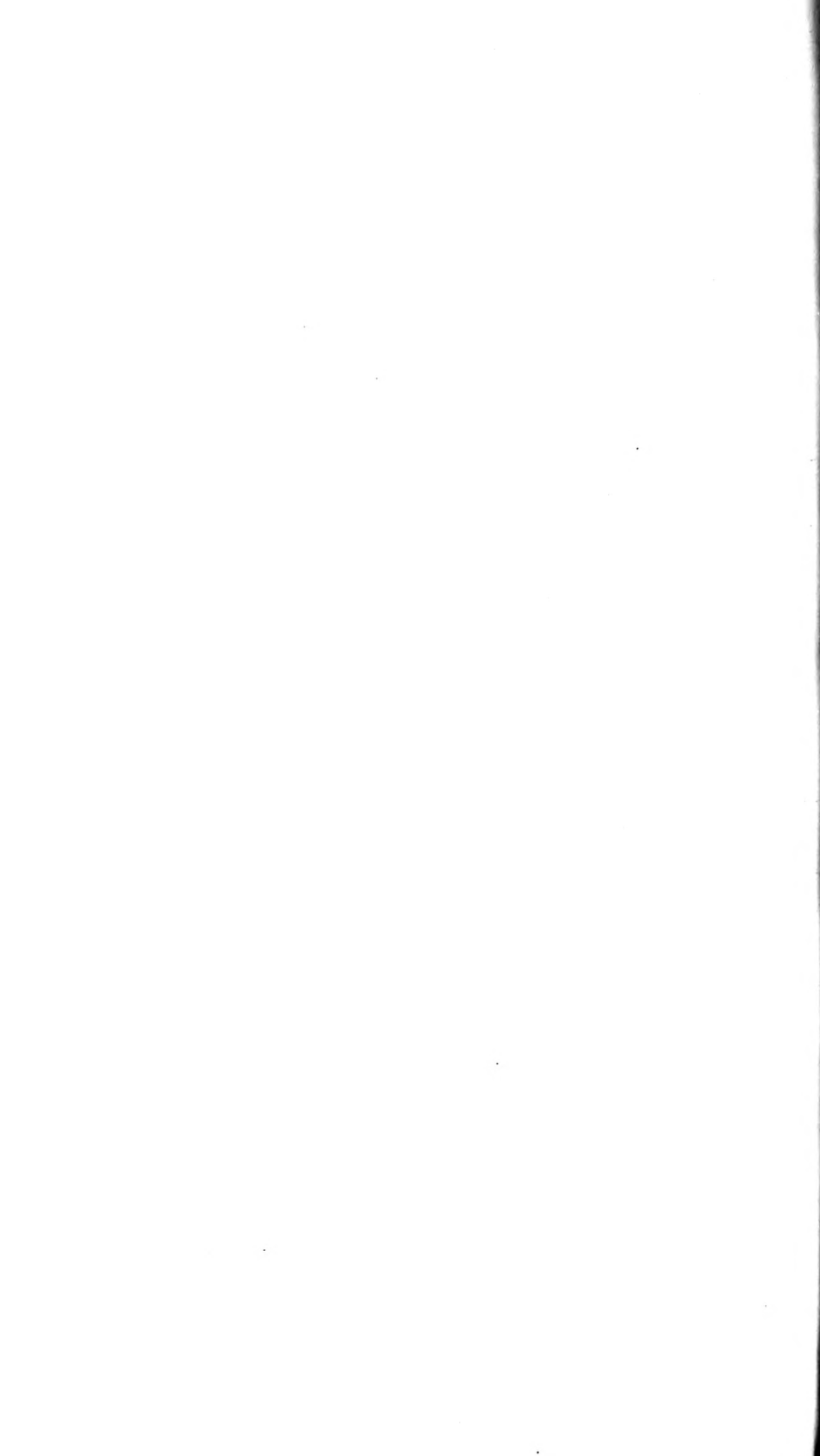
\* There is no *Fourth Massachusetts Turnpike Corporation*, so named, but the Act establishing the *Williamstown Turnpike Corporation* is in the place, which would render that appellation proper.

† There is a chasm in the course of numbers which was apparently intended to be pursued. There is no *Seventh Turnpike*, and the only Act relative to the subject, between the *Sixth* and *Eighth*, is an Act respecting *Williamstown Turnpike*, authorizing an additional gate.

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